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IS THERE A BRITISH-AMERICAN ALLIANCE? Did the British chargé at Managua ask that a British warship be sent to Nicaraguan waters in order to facilitate Mr. Coolidge's task in persuading the American people that it is our duty to keep in Nicaragua eight armed protectors for every civilian American in the country? And were the British, eager to have American moral and military support in the event of trouble at Shanghai, only too ready to perform this trifling service in Nicaragua? Can there be any relation between these events and the British note to Russia, threatening to sever relations with the soviets and to put Britain in the same position with respect to that country as the United States? These are questions inevitably evoked by the strange coordination of recent events.

AT SHANGHAI the British, supported by the Italians (another coincidence which makes any student of modern history wonder what is the other half of that bargain), are defending a line which reaches far beyond the boundaries of the International Settlement into purely Chinese territory. They have not bothered to give any excuse, not even to explain that their promises to observe China's national integrity are mere "scraps of paper"; like the Germans in Belgium thirteen years ago, they have simply taken the most convenient course. Meanwhile Sun Chuang-fong, recently lord of five provinces, is fading out of the picture. His defeat by the Cantonese near Hangchow was a tremendous blow to his prestige; and the reckless butchery of Cantonese sympathizers by his underling in Shanghai lost him the last vestige of sympathy among his own people. (It is instructive to reflect what might have been the comments of the British press had a Cantonese general rather than a friend of England's beheaded a hundred of his opponents.) Another Northern militarist, Chang Tsung-chang, the bandit chief of Shantung, is moving his troops into the Shanghai region; but the force of public opinion, which mysteriously wins battles in China, is against him, and sooner or later he will suffer the same eclipse as Sun Chuang-fong.

THE "SHARP" BRITISH NOTE to Russia proved to be an uncomfortable boomerang; Litvinov was able to parallel the vague British complaints of Russian anti-British propaganda by chapter-and-verse citations from wild speeches by Churchill and Birkenhead, with the result that the British Government has no recourse but sulkingly to state that it will not reply. Meanwhile the American Government is beginning to discover its own unpopularity. The faithful correspondent of the Republican New York *Sun* let the cat out of the bag in reporting the funeral of the American good-will fliers killed in Argentina. So hated is the United States, he said, that although the Argentines celebrated the coming of three fliers from other nations with all manner of festivities no one paid the slightest attention to the North Americans except to scowl at them and call them Wall Street spies, until death touched a chord of universal sympathy. This is the result of Coolidge-Kellogg diplomacy in Mexico and Nicaragua! Their one decent move—toward a further disarmament conference—was so ill prepared that Italy and France frankly repulsed it, while Britain and Japan made it plain that while ready to confer they have no intention of reducing their present navies.

HOW COMPLETELY A PUPPET of American Marines is the man whom our State Department calls President of Nicaragua was made superabundantly plain when Diaz publicly announced his readiness to negotiate a treaty turning his country into an American colony—a 100-year treaty giving the United States control of his finances and the right to intervene at any time. Fortunately, even the State Department was appalled at this cravenness, and announced that it did not want quite such abject terms. Before this issue of *The Nation* goes to press Congress will have decided the fate of Senator Borah's proposal to set up a Senatorial commission to watch the Central American pot boil while Congress is out of session. The Senate, and particularly Senator Borah, has proved itself in this crisis, as many times before, the guardian of American honor. Without his independent investigation the country might never have learned to what depths the Administration has sunk; and the attack upon his endeavor to get at the facts is evidence again that somebody fears the truth.

UNCLE SAM HAS WON BACK his oil lands; but the black mark of shame still stands where the Fall-Denby-Doheny crew put it. Senator Walsh and Senator La Follette stand splendidly vindicated from the abuse heaped upon them for their patriotic service in uncovering the

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crimes of government officials. But the Administration in Washington still stands silent, and by silence excuses. Men who sat in the Cabinet with the corrupters, men who still sit in the Cabinet, have never found a word of blame for these transactions; and Mr. Coolidge and Mr. Kellogg are at this moment pursuing an aggressive policy in Nicaragua which is part of an attempt to force Mexico to validate the titles of oil lands staked out by the same Mr. Doheny who bought the aid of Mr. Coolidge's former Cabinet colleague, Albert B. Fall.

> The facts and circumstances disclosed by the record show clearly that the interest and influence of Fall, as well as his official action, were corruptly secured by Doheny for the making of the ·· tracts and the leases; that after the executive order of May 31, 1921, Fall dominated the administration of the naval reserves, and that the consummation of the transaction was brought about by means of collusion and corrupt conspiracy between him and Doheny.

THUS THE SUPREME COURT of the United States set the final seal of shame upon the oil corruption of the Harding Cabinet. Every member of the Supreme Court —with the exception of Justice Stone, who was Attorney General when the cases were brought—concurred in a tremendous decision which will stand as a monument in American history. The Supreme Court accepted all the findings of the lower court except the statement that Secretary of the Navy Denby "signed the contracts and leases under misapprehension and without full knowledge of the contents of the documents." As to that the court says: "He is presumed to have had knowledge of what he signed; there are direct evidence and proven circumstances to show that he had." The Supreme Court has often shown itself lacking in understanding of social forces; but when faced with a simple question of honesty it could have no hesitation. Doheny, it said in substance, corrupted the Secretary of the Interior, who, with the Secretary of the Navy, sought to deprive the United States of its property. The Elk Hills oil lands now return to the United States, and Mr. Doheny's companies lose the $11,000,000 they have invested in pursuance of their corrupt bargain; presumably, Mr. Sinclair's Teapot Dome leases will suffer a similar fate.

A PROFESSIONAL TRAFFIC-DODGER in New York City may be alarmed by the sight of six cows on a country road; and Samuel Insull, who is accustomed to dictating to Chicago, looked like any fat man on an August Sunday when Senator Reed put him through cross-examination in Washington. Mr. Insull, it now appears, outranks the Pennsylvanians in miscellaneous campaign giving. He controls a half billion dollars' worth of public-utility corporations in Illinois; and when Chicago's grand opera counts up its deficit at the end of the year Mr. Insull signs the check as easily as other men would buy a ton of coal. Last autumn's investigations brought out that Mr. Insull had contributed more than $100,000 to help Frank Smith into the Senate, and minor sums to Colonel Smith's opponents. Armed with a court decision that he had a right to force witnesses to testify, Senator Reed has got a little deeper. Mr. Insull's assorted gifts to politicians, it appears, totaled $238,000 in a single primary election in a single State. Much of it was turned over to the political gentry in cash; $190,000 of it was borrowed for the occasion from one of his public-utility corporations. Mr. Insull felt that it was unfair to ask him to reveal the confidential ways in which the money had been used; but he looked like a very wilted millionaire when Senator Reed got through with him. The fact is, Mr. Insull was scared; a mere Missouri Senator, tracking out the truth, scared Chicago's wealthiest! We would wager that Mr. Insull was so scared that ex-Mayor William Hale Thompson had to go through his fight in the Chicago primaries in February without financial aid or opposition from the traction magnate—and that appears to be something new in Chicago.

WHEN THE UNITED STATES SUPREME COURT refused, in the Los Angeles and Salt Lake case, to give any opinion on the methods of valuing railroads, declaring that it would wait until rates were made upon those valuations, the solution of our pressing railroad problems suffered another setback. The decision furnishes a sad commentary on the difficulties of railroad regulation. La Follette thought in 1913, when he introduced his railroad-valuation act, that he was providing for clarification of the all-important problem of railroad rates. One stumbling-block after another has arisen; after the lapse of fourteen years the valuations have not yet been used, and the Supreme Court has not even begun to consider the difficult economic problems brought up by the act. With such inadequate legal mechanism, it is to be hoped that railroads, shippers, and the Interstate Commerce Commission can get together in an effort to set up mutually satisfactory rates.

ROGER BALDWIN of the American Civil Liberties Union, one of whose articles we print elsewhere in this issue, has been refused a visa to visit England, apparently on the theory that he is a soviet sympathizer. The theory is probably derived from his defense of free speech for Communists in the United States. But Communists have booed him in New York for defending the cause of political prisoners in Russia. Freedom seems to have lost its appeal everywhere; perhaps Russia will bar Mr. Baldwin next.

RADIO WILL BE CONTROLLED. The Dill bill has passed both houses of Congress and been signed by the President. Under it the licensing and general supervision of broadcasting stations will be in the hands of a board of five, appointed by the President. Secretary Hoover has shown, in some of his remarks, an appreciation of the dangers of censorship, recently underlined by the ridiculous censorship applied by Station WEAF to Representative Celler's remarks on George Washington. Mr. Celler was not permitted to state that Washington occasionally lied, despite the legend; that he "liked good wine"; that he paid for rum for his constituents. He was made to change the word "gamble" to "wager," and to soften a quotation from the first President so as to make him say "by heaven" instead of "by God"! We assume that Mr. Coolidge will consult Mr. Hoover about the personnel of the new board; and we hope that the Secretary of Commerce will see fit to suggest that at least one of the nominees be a man known for his concern with the principles of free speech.

PRESIDENT COOLIDGE'S EULOGY of George Washington was tame enough, but it was eminently characteristic of its author. What did he find especially to admire in the Father of his Country? Primarily, his money-making achievements. He is lost in admiration at his having started in at sixteen years of age as a surveyor, and having died as one of the great propertied men of the

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nation. His absentee landlordism was one of the blessings of colonial days. His reputation for being a wise investor made him a wonderful guardian and administrator of the property of others. Before him as a successful farmer we are bidden to bow down. We are told to revere him as one who, besides being a general and first President, had plenty of time to make lots of money, hoard his riches, and become the best big-business man of his day and thus help the national wealth of his native land. The rest of the story fades into relative insignificance in Mr. Coolidge's view. This thoroughly consistent performance provides another cue to Mr. Coolidge's every action. It was only the other day that in deprecating the reports of European criticism of us he said in rebuttal: "We never had a larger foreign trade than at the present time."

THERE IS A LEAVEN in the university lump. Students are writing editorials in college weeklies on free speech in and out of universities; students are writing stories and articles in college monthlies which are frank in their treatment of love and unorthodox in their treatment of religion. Students right and left are championing unpopular causes. On some of these daring ones the sword of Damocles falls swiftly. Two students at Indiana University were recently expelled for an article in the *Vagabond* on juvenile sophistication. A sophomore at the University of Denver was twice kidnapped and flogged for arranging, as vice-president of the Thinkers Club, a debate between Judge Ben Lindsey and a Kansas City preacher. We have already commented on the persecution of student editors at Kansas City Junior College, and we are glad to note that the "militant minority" at the University of Kansas is busy at present in publishing four pages of refreshing impudence with not a few incidental ideas every week. Springfield College, at Springfield, Massachusetts, goes on the Honor Roll with a ruling by the Advisory Council, including both faculty and students, to permit speakers, no matter what their doctrine or creed, to present their views before the student body. At Cornell University Norman Thomas recently debated, defending socialism against a communist. There are students who dare to think and faculties who dare permit them to do so, as well as members of both groups who do neither.

SUICIDE WAVES, like crime waves, are largely products of newspaper psychology. Year after year twelve or thirteen thousand people in these United States take their own lives, and most of them die unnoticed. The adolescent years contribute their full share. But let the son of a prominent man kill himself, and dozens of suicides which would otherwise have gone unnoted become front-page news. The fact that nearly a score college students killed themselves in January and February does not constitute a "wave" to the student of statistics. Individuals follow individual impulses; in the mass the movement is much the same. It is safe to say, today, that in 1927 about 8,500 men and 4,500 women will commit suicide in the United States; that Los Angeles will have the highest suicide rate of any city in this country; that there will be a few suicides of children under ten and more of veterans over ninety; that the young will, in general, prefer poison, the middle-aged shooting, the old hanging as a means of self-destruction; that more men will hang or shoot and more women drown or poison themselves; that Saxony will have the highest suicide rate in Europe, and Ireland the lowest. Year after year these figures repeat themselves, paying no heed to the waves of interest reflected in newspaper headlines. The ratios here today will not be very different from those discovered in Europe forty-eight years ago when Thomas Masaryk, now president of the Czecho-Slovak Republic, published a famous study of suicide. Man does not change suddenly; although habits and customs do alter through the generations and across the surface of the earth. Napoleon attempted suicide, and Hannibal was honored for his self-destruction; for Dido self-immolation was an almost religious rite, as harakiri still is in Japan.

THE MEDAL OF HONOR in architecture awarded annually by the Architectural League has been given this year to "Ralph T. Walker and McKenzie, Voorhees, and Gmelin" for the design of the Telephone Building in New York. The decision is welcome not only on account of the beauty of the building on Vesey Street (mentioned in *The Nation's* roll of honor for 1926) but because of the circumstance that an individual has been named in an architectural award. Firms of architects are necessarily organized on a large scale, and latterly it has not been possible for the public to know whether one or many men did most of the creative work on a structure. There was reason, it is true, why the firm's name should be most often known, since the effort which goes into a great design is, now as in all creative periods of architecture, in part a guild or cooperative effort; there has been something quite admirable in the willingness of expert draftsmen and inspired designers to remain anonymous. At the same time we are entitled to be curious concerning the identity of the ruling spirit in each case—and surely one is always there.

HARMON, MAXWELL, HYNICKA—there died within a few days of one another these three of the best-known citizens of Cincinnati. Rudolph Hynicka rose from a newspaper reporter to being one of its most powerful and hated bosses in a day when the machine completely dominated the city. Where Hynicka achieved only notoriety, Judson Harmon, Attorney General in Grover Cleveland's second Cabinet, lent distinction to his city. Of handsome personality and great ability, he was twice Democratic Governor of Ohio. As Attorney General he again displayed learning and a sterling honesty; one has only to think of these to realize how far that great office has sunk under recent Administrations. It was natural, therefore, that he should have been much talked of as the successor of Grover Cleveland. Had he been nominated in 1896 instead of Mr. Bryan there is no doubt that the history of the country would have read differently. We should not have had the free-silver campaign and, if the Democratic Party had won, we might have waged no war with Spain and might not have entered so early the path of imperialism in Cuba and the Philippines. Mr. Harmon was always earnest in his opposition to every imperialistic move and never failed to lift his voice for independence for the Filipinos. But like Lawrence Maxwell, who was Solicitor General under Mr. Cleveland, he belonged to the conservatively liberal wing of their party, and its temper in 1896 was wholly against the men of the East in Mr. Cleveland's entourage. Mr. Maxwell will be remembered in Cincinnati for his devotion to the cause of music, especially the May festival, to which he gave endless time and intelligent musical interest.

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# The Tariff—The Farmers' Enemy

WE would not begrudge the President any meed of praise which he deserves for his veto of the McNary-Haugen bill. He had to choose between stultifying himself to get the farmer support by swallowing his previous condemnation of this measure or winning the redoubled praise of the big-business men, financiers, and manufacturers, whose loyal servant he is. Naturally he chose the latter alternative, and the great capitalistic newspapers have been falling over themselves to declare that he has earned and won his renomination and reelection to a third term. It was, as we have stated, an economically unsound measure, as to the workings of which there were serious doubts. Its sole justification was as a temporary expedient of relief in a grave emergency, which offered some degree of justice to the farmer in that it gave him aid from the Treasury and thereby put him on an equality with all the merchants and manufacturers who profit by the protective tariff. But there has never been the slightest justification for letting the manufacturers get their feet in the Treasury trough and at the same time barring the agriculturists from an equivalent privilege of government subsidy, direct or indirect.

The President's veto message is evidently the work of several hands. First of all, let us examine his indignation that the bill is a price-fixing measure. Quite right; that was its intention. It sought to provide machinery to buy up an agricultural surplus and hold it for a good export price, and that, in Mr. Coolidge's eyes, is a crime because it puts a government agency into the business of price-fixing. Yet at the very moment that this veto message was being prepared for him, the President was raising the tariff on pig-iron under the flexible tariff system from 75 cents on the dollar to the maximum possible of $1.12½! That is, he was fixing the price for domestic pig-iron, which therefore advanced to $21.76. But that worries the President not at all. That is protecting a home industry and one that has from time immemorial paid handsomely to the Republican campaign funds for its price-fixing partnership with the government. And pig-iron is the basic element which enters into the manufacture of most of the farmers' implements! What impudence it is for the President to dwell scornfully upon the fact that the McNary-Haugen bill favors the "men who grow cotton, corn, rice, swine [*sic*], tobacco, or wheat" and overlooks those who raise "beef, cattle, sheep, dairy products, poultry products, potatoes, hay, fruit, vegetables, oats, barley, rye, flax," etc.!

But the President does not stop there. He says:

> Nothing is more certain than that such price-fixing would upset the normal exchange relationship existing in the open market and that it would finally have to be extended to cover a multitude of other goods and services. Government price-fixing, once started, has alike no justice and no end. It is an economic folly from which this country has every right to be spared.

Precisely. These are the words to apply. But the price-fixing in partnership with manufacturers which has been the stock in trade of the Republican Party has also "no justice and no end"—no excuse except that upon it certain privileged Americans wax rich and fat at the expense of all the others. How have the great tariff-fed industries of the country been built up if not at the expense of the general taxpayer?

Mr. Coolidge holds up his holy hands, too, because this scheme calls for a species of taxation in the form of the equalization fee, which he calls "a remarkable delegation of the taxing power." "As a direct tax on certain of the vital necessaries of life," he says, "it represents the most vicious form of taxation." Has he never heard that whenever a tariff bill is framed, whether by Democrats or Republicans, it is the privileged producers who write the schedules, by reason of a deliberate delegation of the taxing power to them, and that the tax becomes a direct one upon every purchaser of a tariff-favored article, as, for example, the aluminum products of his beloved Mr. Mellon? How can he blame the farmers if they are infuriated at this fresh favoritism? There is scarcely an argument that he makes throughout his long message that does not apply equally to the whole tariff swindle. He could not sign this bill because it might increase farm production and so give an increased exportable surplus to be dumped on the world. What in the world have our manufacturers been doing these fifty years?

The farmers are reported in revolt and turning to ex-Governor Lowden, who favored the McNary-Haugen bill. What folly! *The farmers' enemy is the tariff.* Nothing, and nobody else. Let them seek new leaders, not enlist under one who also stands for the tariff. Can they not see that the tariff not only mulcts them whenever they buy a trust-protected article but, by shutting out manufacturers from all the world, makes it infinitely harder, often impossible, for foreigners to buy foodstuffs from us for which they must pay in goods? The desperate situation of our farmers calls less for a slightly altered McNary-Haugen price-fixing machinery than for tariff reform, plus the immediate development of the cooperatives to the fullest possible extent.

The moment is the more opportune because for the first time the farmers have powerful allies at hand—the financiers are against the tariff as never before because they now realize that there can be no payment of the European debts to us unless the tariff walls are lowered. The bankers may not be natural or permanent allies, but for the moment the line-up can be the farmers plus the bankers against the manufacturers. Two weeks ago the farm bloc in Congress struck hands with the bankers' bloc so that the McNary-Haugen bill and the McFadden branch-banking bill could go through. The bankers got theirs and got it signed; the farmers were bilked. All right; but if the alliance can be formed once it can be formed again. The recovery of American money loaned abroad and the increasing of foreign markets for American agricultural products both depend upon lowering our tariff. Unfortunately not even the Progressive bloc in Congress has seen the direct connection of the tariff with the corruption in our political life, the building up of favored classes, the establishment of special privilege. It is idle to seek relief from a Lowden or anyone else who does not see this truth. Not only the farmers' but the future of the entire country is at stake. What man, what group of men in public life will lead the way?

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# A Hundred Years a Railroad

ON February 28, 1827, the Legislature of Maryland granted a charter to a group of citizens of Baltimore for the purpose of constructing the first public railroad in the United States. They did not know just where it was to run, or what it would cost, or how they would operate it—whether by sail, or by horses on a treadmill inside of the car, or by horse-power in the manner of stages. But they were alarmed at the threat of the Erie Canal to Baltimore, and so they decided to start the railroad across country to the Ohio and find out afterward how to operate it. Thus the Baltimore & Ohio Railroad came into being, and, unlike many another early line, it has remained the Baltimore & Ohio to this day, independent, and operating under its original charter.

There were, it is true, three other railroads in existence before the Baltimore & Ohio, but these were short lines constructed for other purposes than a general freight and passenger purpose. The Mohawk & Hudson Railroad had been chartered in 1826; but it did not begin running cars from Albany toward Schenectady until 1831, after the Baltimore & Ohio had begun to run, and its identity has long since been merged in the New York Central. On July 4, 1828, the first stone of the railroad—still in existence—was formally placed by the local Masons and that remarkable man, Charles Carroll of Carrollton, then said to have been the only surviving signer of the Declaration of Independence. On May 24, 1830, the first Baltimore & Ohio "trains" began taking passengers to Ellicott's Mills, twelve miles away, passing a midway halt for changing horses called Relay, which leaped into national importance just thirty-one years later, for it was at Relay that the road to Washington was cut in 1861, and the capital isolated from the East. Inclined planes—still traceable—were constructed to get the cars up and down hills by means of horse-powered windlasses.

And so the road had its humble beginning, until the steam engine appeared in America—one of the first, the Stourbridge Lion, imported from England and tried out at Honesdale on the Delaware & Hudson. Next came two American-built engines, the Best Friend of Charleston on the South Carolina Railroad, and the Tom Thumb, designed by Peter Cooper of New York especially to convince the Baltimore & Ohio directors that they must turn to steam. They did, but, being bent on developing this infant industry at home, they refused to import English locomotives and themselves built all, or nearly all, theirs for many years. That was characteristic of the railroad. It has always kept a local color even when developing into a great national enterprise with 70,000 employees and 5,000 miles of track, and within the railroad itself there have been not only healthy traditions but a fine family spirit which has made greatly for efficiency and contentment. It is not without significance that its operating vice-president is the grandson of the man who drove the first horse-car to Ellicott's Mills and later became engineer of the first locomotive upon the Washington branch. It is not at all exceptional to find in the Baltimore & Ohio's service the fourth successive generation of a family.

If it was the first and almost the only railroad to build and own a steamship line across the Atlantic; if it was along its line that the first telegraphic message "What hath God wrought" was sent; if it first employed electricity on a standard railroad, these and other facts pale into insignificance compared to its admirable labor standards. Its relations with its employees are of the best; the railroad has a real pride in its democracy, a real respect for its workers, and a long-proved readiness to work with them through their unions. For this much credit must be given to the president, Daniel Willard. No railroad has at its head a wiser or more far-sighted executive or one who enjoys a more universal respect. No aroma of stock-jobbing, no public-be-damned policy about him. Instead one meets a steady recognition of the rights of the workers and the public, with the stockholders placed third.

So the railroad has flourished and has been part of the history of the country. At its Harper's Ferry station John Brown's men fired their first shots; from one of its conductors came the first authentic news of the John Brown raid; over its line from Washington went the company of marines, headed by Lieutenant Israel Green and Colonel Robert E. Lee, which broke down the doors of the engine house and captured the raider, the "madman" who died as a traitor, but whose soul soon went marching on wherever there were federal troops. Three years later it was the first railroad to be used extensively for military transportation. Then for four years its bridges were burned, rebuilt, burned again, and its lines were first under one flag and then another. It came out of the Civil War triumphant and it is today the same Baltimore & Ohio as it was a hundred years ago when railroads were more experimental than radio is today, under the same charter, with the same corporate organization, under its own flag in the business of selling transportation honestly and squarely.

# Mechanical Jurisprudence and Constitutional Law

ONCE again a majority of the United States Supreme Court have shown an inability to think realistically in dealing with the constitutionality of important State legislation. As a result the machinery of social adjustment in a number of the States is thrown out of gear at an important point. Once again an enlightened minority (Justices Holmes, Brandeis, and Stone) have failed to convince their brethren of the error of their ways. Experience has shown that immigrants who are ignorant of our language and customs are frequently defrauded by irresponsible brokers from whom they have agreed to buy steamship tickets to send abroad to relatives whom they wish to bring over. To prevent this, a number of States have passed laws forbidding any one except steamship or railroad companies to sell steamship tickets without a license. Applicants have to satisfy some State official that they are of good character, and are required to give security for the performance of their contracts. Comes now the majority of the Supreme Court, speaking through Mr. Justice Butler, and holds Pennsylvania's statute unconstitutional (Giovanni di Santo *vs.* Pennsylvania). This time it is not our familiar friend, the Fourteenth Amendment, which stands in the way; it is the "commerce clause" of the Constitution—specifically, the provision which vests in Congress the power to regulate foreign commerce.

The argument of the learned justice is simple and on

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its face unanswerable. It runs as follows: All State statutes which by their necessary operation *directly* interfere with or burden foreign commerce violate the Constitution; this statute does this; therefore it is unconstitutional. In the Constitution, however, no such rule appears. The word "direct" does not occur. Whence comes the rule? It has been read into the Constitution with the passing of the years. But given the rule and a new kind of statute the problem is how to determine whether the burden is "direct." No statute precisely like the Pennsylvania statute had ever been passed on. How did the learned justice know that the burden was "direct"? His opinion is silent on the matter; he merely asserts that it is. The answer is that he did not know this; he merely assumed it for reasons not stated. In his illuminating dissenting opinion Mr. Justice Stone tells us why. He says:

> In this case the traditional test of the limit of State action by inquiring whether the interference with commerce is direct or indirect seems to me too mechanical, too uncertain in its application, and too remote from actualities, to be of value. In thus making use of the expressions, "direct" and "indirect interference" with commerce, we are doing little more than using labels to describe a result rather than any trustworthy formula by which it is reached. It is difficult to say that such permitted interferences as those enumerated in Mr. Justice Brandeis's opinion are less direct than the interferences permitted here. But it seems clear that those interferences not deemed forbidden are to be sustained, not because the effect on commerce is nominally indirect but because a consideration of all the facts and circumstances, such as the nature of the regulation, its function, the character of the business involved and the actual effect on the flow of commerce, leads to the conclusion that the regulation concerns interests peculiarly local and does not infringe the national interest in maintaining the freedom of commerce across State lines.

In other words, the learned justice sees clearly what Mr. Justice Holmes told us so long ago, that general propositions do not of themselves decide concrete cases; that a decision in a particular case rests and must rest upon judgments of social value and expediency, judgments which are often inarticulate and unexpressed, but which it is desirable to drag out into the light of day and consider carefully before coming to a decision. Thus he is led to deal with his problem realistically, in the light of modern ideas of logic and of human reasoning, and abandons the formalistic jurisprudence with which the majority apparently deceive themselves.

Whatever one may think of the present-day reluctance to concentrate additional power in the federal government, it seems clear that the matter with which the State statutes deal can best be left for regulation by State officials rather than by remote government officials in Washington. Obvious also is it that in the present state of the public mind Congress will be unlikely to undertake federal regulation of the problem involved, and that the sole practical effect of the decision will probably be to allow the defrauding of ignorant immigrants to go on unchecked. It is to be regretted that, perhaps because of a failure of some of its members to appreciate that they are in the last analysis dealing not with questions of pure logic but of policy, the majority of our highest judicial tribunal have once more shown an inability to grapple with the social realities which lie behind all legal rules.

# Biographers, Beware!

HEROES have often had good cause to fear biographers, but the tables are turning and it begins to look as though, from now on, biographers may have cause to fear heroes as well. Not infrequently a Caesar dead and turned to clay has living descendants for whose existence his fame is the chief excuse. They are not always anxious that any valet's view of their progenitor should prevail. We have known of families who demanded to know what conclusions an author intended to draw from a document before they would consent to surrender it, but never until now have we heard of a suit for damages based upon the appalling theory that libel descends upon the heads of even the third generation of the descendants from those who are considered maligned.

Not long ago, to be sure, the descendants of General Burnside obtained an injunction to restrain the manufacturers of a certain shaving soap from using a picture of him as a horrible example of the results of abstention from the razor, but the protest of the son of Gladstone against the biographer who asserted that the great apostle of Victorianism was not all that he ought to have been seems to have started a new movement. News comes from France that Mme Aurore Sand, granddaughter of the novelist, has asked ten thousand francs as damages for alleged defamation of her grandmother's memory. The article in question, written by the critic, Jacques Boulenger, represents George Sand as "a woman of singular morals and innumerable lovers" who sometimes did not hesitate to use the favor of one to advance the interests of the other, and this, says the complainant, is "clearly defamatory to the memory of a dear being" who is unable to defend herself.

If M. Boulenger is guilty, then so are most of those who have written about the author of the "Histoire de ma Vie." We were, indeed, under the impression that the lady herself took no trouble to counteract the impression that her amorous history was varied, and we see no reason to suppose that she regarded the charge as anything requiring a defense. But if biographers are exposed to this new danger we perceive the likelihood of a terrible consequence. Biographies will have to be written in that style popular with cautious newspapers and which will read something like this:

> George Sand is said to have been born in 1804. Rumor has it that her parents were not married until one month before her birth, and since she is said by her contemporaries to have left her own husband it has been assumed that their relations may not have been entirely harmonious. Upon the termination of what is thought by some to have been an intimate friendship with a man who gave his name as Jules Sandeau she is said to have written "My heart is a tomb," to which this same Jules is alleged to have remarked, possibly in reference to the reported plurality of her lovers, "A tomb? It's a necropolis."

We suggest, however, that the French find a way out by the extension of that admirable and logical law of theirs which requires that any journal which prints an unfavorable review of a work of art may be compelled by the artist to print gratis his own opinion of its merit in exactly the same number of words as was used by his critics. Let the biographer be compelled to submit to a biography of himself written by his subject.

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# "Taxi, Mister?"

By SOL AUERBACH, *of the University of Pennsylvania*

I

I BROKE loose from my last examination like a wild bird whose cage door had been opened. I bought an evening paper and looked through the ads. Auto-mechanics, bakers, barbers, bricklayers, riveters, tailors. No chance for me. Perhaps a chauffeur's job . . .

I had qualms about applying to the Yellow Cab Company of Philadelphia. When I had applied to them two years before they had asked me to sign a non-union agreement and I had refused. Now they were under "Mitten Management." There would be no non-union agreement to sign, but still there was no union.

When I came into the employment office on Monday morning there were about twenty others already there. They were sitting at a table along the wall, filling out application blanks. The agent gave us the blanks, examined our driver's licenses, accepted our applications, and sent us to "school."

School was a long-drawn-out three-day affair, with no pay for our time. Doctor's examinations; intelligence tests that a five-year-old could pass; road tests that anyone who knew how to start and stop a car could pass; lectures on salesmanship, courtesy, accidents; warnings, threats. The most unbearable part of our schooling was waiting in the hot employment office between examinations. The whole course could have been completed in one day.

They told us, and repeated it again and again, that we were salesmen, selling safe transportation. They urged us to use any means to obtain riders provided we collected the fares and did not damage the company's reputation or property. My impression was that I had become a petit bourgeois, with a store on wheels, out to "go get it" and let the other fellow worry about himself.

There were fifty in the class. We sat in a crowded room, hour after hour, waiting. All kinds of men are here: Professional cab-drivers who roam from city to city and work, a few months here and there; married men who are out of work and take such a job until they find a better one; seasonal hands whose trades are dull; a stray college student. There is no one here over thirty.

Work looked like freedom when, late the third afternoon, they sold us our uniforms, took our pictures, and appointed us to garages. We had received our university diplomas. They did not know whether we knew the city or not. They let us loose to learn at the expense of the riders.

II

I was put on a night shift, 6:30 p. m. to 4:30 a. m. If my day-man came in time I was to leave the garage promptly and remain on the street for at least ten hours. If I wanted I might remain out until eight o'clock the next morning. But no later.

They gave me what was officially known as an 03 cab. The drivers called them "boilers" or "cement-mixers," and a more descriptive or appropriate name could not have been devised. They are the oldest cabs in the city. For an accelerator there is a needle in the floor that carves holes in the sole of your shoe. The lights are so poor that if you were in a dark section, of which there are plenty in Philadelphia, you could only see about ten feet ahead of you. The cab is clumsy and difficult to steer. The gears are as hard to shift as those of a five-ton truck. The car can not go up the slightest grade on high. It has no self-starter, and since we were not allowed to leave the motor running, our hands from cranking became as calloused as a pine cone. The driver's seat has no protection from rain. A tradition prevails among the cab-drivers, one that is well advised: "Don't drink milk if you drive a 'boiler.'"

We were paid on a purely commission basis of 33 1-3 per cent. About forty supervisors checked us up for speeding, cheating, running motors, sitting in the back of the cab, and other offenses. During the day the "loop," center of town, would be most profitable. In the early evening, the residential sections for the theatergoing crowd. From ten o'clock on, the "loop"—again for the theaters. From twelve to two, the cafes. After two, "rolling the tracks" for a stray fare, who is waiting hopelessly for a trolley, or "laying" at street-car junctions for the unwilling rider who has missed his car.

The cab people had the Sesquicentennial hysteria. There were twice as many Yellow Cabs on the street as in a normal summer—1,200 cabs in all. Of these, 300 were "boilers," 300 new ones, and 600 "babies," of which 200 were comparatively comfortable, the others almost as bad as the "boilers." The Quaker City Cab Company, the Yellow's chief competitor, had 700 cabs. The smaller companies, together with the independents, must have totaled about 500 cabs. Twenty-four hundred cabs look meager among a populace of 2,500,000. But the people of Philadelphia are not regular riders, the city is too large and scattered, the fares higher than in New York. Moreover, many of the regular riders leave the city in the summer.

Between the hot weather, which scattered the residents, and the double number of cabs, the drivers were "left on the back fence." It is no good "playing the loop" when there are twice as many cabs there as the public needs. There is no object in "laying" at a corner if you have to wait an hour or so to be first out. The same is true for "boxes" (company telephones placed on walls and telegraph poles throughout the city). What is the use of "playing" the theaters or cafes when the people will not get into a "boiler" but will choose a new cab out of a line-up that is big enough to haul the whole audience home?

*This essay was awarded first prize in* The Nation's *contest for American college students who spent the summer of 1926 in industry or agriculture. The second prize was awarded to Alfhild Johnson of Oberlin College for an account of her experience in a hardware factory. The third prize went to William C. Putnam of Stanford University for his essay, Serfs of the Sea. Alfred W. Page of New Zealand contributed an article on coal mining which, although ineligible for a prize, will on account of its high merit be printed in a later issue of* The Nation.

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Last summer the average pay was about $20 a week, to which can be added $10 in tips, making an average earning of about $30. (Tips generally amount to one-half of the commission, if there are no lucky breaks.) This is low enough for work which demands long hours, six days a week, and some skill. I found the drivers dissatisfied. Many of the old boys were "throwing up the sponge," resigning. It is hard for a married man to live on $30 a week.

Many of the drivers worked twelve, fourteen, or even sixteen hours at a stretch. There was a time when to stay out on the street more than ten hours was the meanest thing a fellow could do. It earned for him the most disreputable epithet of all—"hungry." It meant taking bread and butter from the men who were on regular shifts. The driver's code of morality would not allow it. But now we were all "hungry." Twelve hours on the street a day would guarantee us our $35. Some would even work on their days off, to earn another $4 or $5. Twelve hours on the street really meant thirteen hours of work, for it took time to gas up, wait for your cab, have it repaired. The clock was punched when the cab left the garage.

There were some married men, generally with large families, who worked on one-man cabs. They took their cabs out at two in the afternoon and were permitted to remain out as long as they chose. When I rang in at five or six in the morning I would see them coming in. They needed the money and would set a mark, say $15 or $20 in receipts, and they would remain out until they got it. They got back to work at two the same afternoon.

Most of the cabs ran two shifts a day. The day-man might be due to take his cab out at eight in the morning. He would return at six. The night-man would take it from six until four the next morning. That left four hours which they could put in as extras between them. This was nearly always used, either by one man or both.

About seven years ago there was a union, eight hundred strong. They had a strike and lost. The company rehired the men on condition that they would sign a non-union agreement. Now the company is in the hands of the Philadelphia Rapid Transit. I asked some of the men why they didn't form a union. Well, a union is all right. But you know about so-and-so of such-and-such a union who ran away with the funds. And Mitten's got it now. He'll do something for us. The car men are satisfied. You'll see if we don't get free passes on the trolleys. And he'll throw the "boilers" on the scrap-heap. This confidence in Mitten was prevalent among the men. When I left, the Yellow Cab Company had been under Mitten Management for four months and not a thing had been done for the men.

The cab-driver is an independent salesman selling transportation, so the company would have us believe. They even replaced the old "driver" on our hats with "salesman." It was curious how this attitude worked itself into the driver's psychology. Thinking himself, more or less, in a business of his own, the driver is alienated by competition from his fellow-workers. In reality he is a wage-earner and might be considered a piece-worker. Organization of transportation workers meets with a great difficulty in the fact that the nature of the job is such that the men work by themselves or in groups of two. In the case of the cab-drivers there is the additional factor of a twofold competition, on the one hand among the men of one company, on the other between men of competing companies. This very condition is aggravated by the labor policy and training methods of the companies.

In case of strike, where the sympathy of the public is of such importance, the regular riders are not such as would give much thought to the drivers. The workingman, from whom sympathy is to be expected, is not a cab-rider. Peaceful picketing is almost impossible, since drivers are easy to obtain, and scattered.

The cab-driver, the salesman of luxuries, giving his personal services to the client, belongs to the mass of tip-takers. When I received my first few tips I felt uncomfortable. It is an awkward moment when you are counting out the change, with the question in your mind, "What will he give me? Shall I give him a quarter, two dimes, and a nickel, or two quarters?" The passenger at the same moment asks himself, "What shall I give him? That clever fellow is counting the change with an idea." Sooner or later the awkward moment becomes a part of the "racket." Tips are figured in as a part of the earnings and the driver looks upon them as his rightful wages. A quarter is a satisfactory tip. More often we got ten or fifteen cents, and many times we were "left flat."

A one-sided partnership is thus cleverly thrust upon the public. The clients pay, in the form of tips, what ordinarily the company would have to add to its salary. Gangsters and gamblers are the most liberal tippers. A workingman with his family of six once a month follows a close second. Jews, no matter of what class, are very liberal. The usual run of people that we pick out of the Bellevue-Stratford and the Ritz ride short and give you a cheap cigar or ten cents. Once I got a $5 tip from a man out of one of the big hotels—and he wasn't drunk. That is called a lucky break. It is a cabman's dream and happens once in a lifetime.

## III

The Philadelphia cab-drivers come from all walks of life. The majority are under thirty, although there are some gray-haired regulars who have been in the game from the time of the hansom. Many are married men and have families to support. They are independent fellows, made more so by the nature of their work. The freedom that their work allows is their strongest argument for the job. A more motley and yet more united group would be hard to find. A fight, and you are sure to find the Yellows there en masse; a flat tire, and they are on hand to help one another. Comradely, good fellows, rough, good-natured, dirt-slingers, jack-handle wielders, yarn-spinners.

You can always tell a new man by the way he wears his uniform, by the way in which he pulls up at a stand. There was something about me at first that the observant eye of a regular caught. I could never understand what they had against the student unless it were a dim feeling of class distinction. Those of us who worked among them were not highbrow. We took our jobs seriously—perhaps too seriously. At any rate, in a week I had assimilated the language and could bandy words and hold my own in slang and curses. In about two weeks I had succeeded in hiding the student. I could make a neat turn into a stand, hop unconcernedly out of my cab, approach the group, and say, "Hello, fellows! How are they rollin'?" and listen to their stories with a straight face. I became one of them.

Those stories. In times of idleness—there were plenty of them that summer—we would collect at the stands and street corners, outside of cafes, theaters, and railroad stations. Sitting on soap-boxes, curbs, steps, someone would pull out a pack of cigarettes.

"Pack out!"

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"Hey, kid, gimme one of your sticks."

"I'll tell you a funny one . . ."

Anyone at all might begin. Stories of drawn-out rides for strangers, "rollin' up a bill," drunks, crooks, lucky breaks, women. Once begun, they flowed on like a river. There was one man, a Southerner, who in a racy Southern drawl could tell stories for hours. We would hear the crunch of his brakes and his once-upon-a-time drawl at the same moment. I heard enough stories, real and imaginary, to keep a proletarian de Maupassant at work for a lifetime.

The cabman is independent in other ways. If a customer does not suit him he will turn him down. He will collect the last penny of his fare at any cost. He will not stand for "high-hat stuff" from aristocrats. He is ever ready to use his jack-handle to get rid of pests, crooks, and other undesirables. He will step in where a cop would be afraid to poke his club. Living by the street, he knows its lingo, its manners and morals, its rough-and-ready ethics. He has met people—from gangster to actress. Whether it be before a Washington Avenue gat-toter or a college professor, he preserves his dignity and self-respect. He knows the city—its speak-easies, gambling joints, houses of ill-repute, street-walkers, milkmen, breadmen, dicks.

People who have used cabs tell me that a cab-driver looks so unapproachable and straight-faced that they are afraid to speak to him. To look that way is a part of his business. There are many things that a cab-driver must not see. Strange happenings in the back of his cabs. Mysterious night journeys. All kinds of people. But those very people should hear their straight-faced, eyes-front driver talk to his buddies in his moments of idle waiting. He has seen everything. And there is hardly anything new that happens. One runs the whole gamut of such affairs in a few weeks' time.

I was on night shift. I saw the night life of the city. I had worked at night before, as a newspaper-carrier; but then I saw the breadman, the milkman, the people going to work, lunch pail in hand, wiping the sleep out of their eyes, grim, hardened to work. This summer I saw the pleasure-seeker, hardened to rum, women, and gambling.

I "played" regularly, after 1 a. m., the busiest street intersection of West Philadelphia. On the second story of one corner building was a large gambling joint. A few doors along, a saloon. A door or two on the other side, a cafe where drink and women were for sale. Two girls also "played" that corner regularly. Every night they were there and every night they were "picked up," sometimes by cops, sometimes by smart men in automobiles. Many a girl was transferred from a private car on that corner to a cab to be taken home. Men have stepped into my cab to go home and have picked a companion out of the street. I have had to lift drunks out of my cab who were so powerless that they could not open the door. During the day this corner is the business and trading center for the respectable families of West Philadelphia. These things do not happen once a week, or even once a night, but all night long in all parts of the city.

IV

This evening I have arrived early at one of the outlying boxes to catch the theatergoing crowd. Two cabs are in ahead of me and soon three more line up. We lean against the wall idly smoking cigarettes, listening now to one, now to another of the drivers "putting their line across." We never miss a detail of what happens on that corner. A cab-man's eye is alert, sharpened by the continual lookout for possible riders and by a forced lazy observation that comes from much loafing on street corners.

Business is dull. It is already 7:30 and only one cab has moved. Someone remarks that it looks like rain. We all cheer up. Rain means business.

"Yes. And now we'll get them damn rainy riders that always leaves you flat."

Thoughts of rain lead to yarns of emergency calls at breakneck speed over wet streets; or queer birds one gets when it rains. The inevitable symposium has begun.

"That's nothin'. Listen to this one."

The box is becoming "hot." I am now first out. I lean against the box beside a middle-aged driver who has listened to all that has been said. He looks at me sidewise:

"Yes, you meets all kinds of people in this business. Gee, the kinds of people I've seen—there's no telling what you're hauling. I've seen so many things and different kinds of people—dammit, I wish I could write and put it all down."

"Have you tried?" I ask him.

He blushes, looks at his feet, and says, "Aw, no!" Pause. "But, you know, I like to read. I can sit down and read all day long. Some of those stories in *Adventure* and *Saturday Evening Post* are damn good stories. And I got a set, I forget the name of it, *Collier's* gave it one year, Harvard something, that's got damn good stuff in it."

"You know," I said, "there is a guy who used to wish that he could write—he saw so many interesting things in life. So at night, when he came home from work, he used to sit down in a corner of his home and write down his thoughts and what he had seen. He would write every night. Now he's one of the best writers we've got. It's not so hard as you think."

"Yes, I guess it's not hard to write, but it's damn hard to make it good reading. Well, here goes your ring, buddy; go get it!"

I find it hard to reflect the psychology of the cab-driver. Perhaps a few months of acquaintance are not enough to get at the spirit that makes a group of workers out of an otherwise pied collection of men.

What difference does Plato or Aristotle make to a man who, occupied with his work for at least twelve hours, sleeping eight hours, has four hours left to dress, talk to his wife and children, and enjoy himself? As I go back to school that man is on my mind. During my few months of work among the men of the street I have learned as much as in my three years of college. I am tickled to death when a page of "The History of Aesthetics" catches on a callous. I love to squeeze the feminine hand of a student or professor in my crank-hardened grip. But to feel another palm, as hard, as calloused, in mine is one of the most beautiful sensations I have had.

## What Made These Women "Modern"?

*The tenth article in the series of personal revelations by well-known women will appear next week. John B. Watson, behaviorist, and Beatrice M. Hinkle, psychoanalyst, will analyze these articles for* The Nation, *in an attempt to discover the underlying causes of the modern woman's attitude toward men, marriage, children, and jobs.*

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# The Mortgage Bond Industry

By HENRY S. VILLARD

SKYSCRAPER offices, apartments, and hotels, going up overnight, have brought us face to face in the big cities with problems that have suddenly become of acute importance. The first deals with the frenzied financing of these new structures; the second frames the question, Is there an economic need, or even an economic place, for them?

Close on the announcement by Franklin D. Roosevelt, chairman of the American Construction Council, that six mortgage-bond houses had agreed to adopt definite rules of procedure in their business, has come the ultimatum of Attorney General Albert Ottinger that yet more drastic regulations must henceforth be observed. Mr. Ottinger's proposals, based on a report by Keyes Winter of the Anti-Stock Fraud Bureau, are designed to check up the legality of methods in many bond houses of mushroom growth. And a glance at the tremendous building activity which at present grips the United States—New York in particular—gives confirmation to a warning recently uttered by S. W. Straus, president of the bond house of that name, that we are near the saturation-point in certain lines of construction.

It is estimated that seven billion dollars were spent last year for new building in this country, of which nearly one billion were taken up in real-estate bonds. This represents a phenomenal increase in speculative enterprises, such as office buildings and the latest luxury of the twentieth century—the apartment hotel. In 1926 the amount put into bonds alone, according to Mr. Straus, was double what it was three years ago.

The magic spring from which the money flows to finance these properties is the mortgage-bond house—a *nouveau-riche* cousin of our building trades, begot by the marked acceleration in late years of American "progress." Formerly the savings banks, the trust companies, the insurance firms furnished the funds for building ventures, finding such mortgages comparatively favorable in interest return and with inconsiderable principal loss. The Metropolitan Life Insurance Company, for example, is said to have $500,000,000 outstanding in city loans. But today the bond house is so arrogant a factor in real-estate financing that it is rapidly becoming the first resort in this field and threatening materially to narrow the mortgage channel as an outlet for the deposits of banks and the assets of insurance concerns.

The first-mortgage real-estate bond was brought forth for the purpose of tapping a new vein of capital to erect the bigger, better, and more expensive buildings we see going up on every side. Instead of obtaining funds by the old-fashioned single mortgage method, in which conservatism and safety played restraining hands, it was found far easier to divide up a large mortgage into bonds of $100, $500, or $1,000 denomination and sell them to the eager small investors in the cities and the hinterland alike. The company which underwrites the bonds advances the loan to the builder, and appropriates for itself as fat a commission as possible. And thus the trouble begins.

Mr. Ottinger's investigations, following the receivership of G. L. Miller and Company last year—who were said to have underwritten $65,000,000 in bond issues since 1920—has brought into the spotlight a number of practices which should be perturbing to the innocent buyer of the "baby bond."

First, there is the danger of over-appraisal. The New York law states that all property shall be worth at least 50 per cent more than the total amount of the mortgage. The old type of loan adheres more or less strictly to this standard. But the joker rampant in the bond industry lies in the *basis* of appraisal. To facilitate the birth of a bond issue at a good figure, it is not difficult to secure a higher valuation of one's property by paying a slightly higher fee to a more obliging concern.

Again, the anticipated earnings of a building are often overestimated. Because the tenants can move quickly, the worth of an office building is likely to fluctuate; yet bond buyers show such a preference for this particular form of investment, that to keep up with the demand there is an endless succession of these projects. The usual conservative mortgage of former days dealt instead with a residence—obviously sound, substantial, and finished.

A greater menace, however, lies in the prodigious extent to which this bond-selling business has grown. So profitable has the floating of mortgage bond issues proved that a host of organizations has sprung up to lure the investor who believes instinctively in the safety of a "good building loan." An army of high-pressure, highly paid salesmen is employed; and to keep these men busy earning their commissions of 2, 3, or 4 per cent, there must be an unfailing supply of new issues. An institution organized for this competitive selling game has a large overhead expense—at least three times the sum of the salesmen's commissions, according to an official of the Straus company—in the form of advertising and maintenance of the branch offices which sometimes dot the country from coast to coast; so that the salability of a given issue may become the first consideration instead of its security. Thus an enormous artificial stimulus is given to the building trade.

The anxiety of bond houses to manufacture enough bonds, lest the overhead eat up the gain, has created another peril. Contractors as well as architects are tempted to produce hasty buildings which are not sound in structure, location, or arrangement. Often the promoter or contractor steps out after collecting his profit, leaving the bondholders to shoulder any further burden. A recent article in the *Annalist* pointed out that bond houses have only a moral obligation for the repayment of principal and interest on the mortgages which they compete to sell. If the building proves faulty or non-profitable, the investor is "stuck."

This scramble to create and sell bond issues is of recent origin. Since the close of the war and with the start of our era of "prosperity," the American public has displayed an amazing tendency to buy "on expectancy." The old conservative mortgage invariably covered completed property. But the speculative element of high interest return on these bonds which are "built to sell" has at-

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tracted a huge class of investors who do not stop to weigh the future of buildings which are yet to be constructed. Some firms proclaim that they have had years of experience without loss to investors; but if one stops to think, that is no gilt-edged guaranty. Some companies which over a long period conducted their business in a conservative manner have in the last few years been operating at top speed under methods which may well be questioned. Attorney General Ottinger has stated that this bond type of financing did not exist prior to 1916.

"No one can pass judgment upon a loan secured by a large apartment or office building if he has only the meager information that it is possible to place before the buyer of the $100 bond," a well-known surety official writes in the *National Real Estate Journal*. Furthermore he warns that "the amount of poor mortgages now in existence . . . has reached such large proportions that great caution is necessary."

Not all real-estate bonds are dangerous. There are many investment bonds on the market conforming to strict loaning principles; there are many surety companies whose function it is to undertake the responsibility of a given issue; there are many houses that offer such protective devices as a separate guaranty at one-half of one per cent premium. It is the common or garden variety of bond, financing highly speculative enterprises like apartment hotels, theaters, and office buildings—construction and success of which rest in the future—which offers the commonest pitfall.

There the bait of interest at 6½ per cent, 7 per cent, or 7½ per cent entices the bond-buying public. Not infrequently a company will use the proceeds of its sale of bonds to pay the interest and sinking-fund charges, long before the structure is earning enough to carry its own mortgage. The more bonds issued, the more buildings can be started before earlier ones are completed; and the more buildings started, the more bonds can be issued. Thus the vicious circle produces a frantic and insecure building program.

Up to a certain point, an increase in building is indicative of healthy growth and prosperity. But when we approach the margin that separates a highly developed community from one that is overbuilt, and in some cases faultily built, it is time to check the pace. Many new skyscrapers in New York City, like the French and Delmonico buildings on Fifth Avenue, are finding it difficult to rent their vast space. This phase of the business is beginning to worry the bond houses themselves. An oversupply of space will tend to slow up the bond market, so that the goose that lays the golden egg is in danger of being strangled. For this reason there are many who join in Mr. Straus's view that we need a temporary lull—a six or eight months' breathing spell to catch up with the construction already available.

And Manhattan, with its overcrowded streets, should be the first of all localities to wonder whether there is an economic *place* for more skyscrapers—unless our mode of life is to be radically altered in the near future.

# He Who Gets Slapped at Geneva

By ROGER N. BALDWIN

IF a journalist can walk right up to the head of a government in the hall of the League of Nations and give him a resounding slap in the face, no country's dignity is safe. Since Count Bethlen, Premier of Hungary, got patriotically slapped last June by an ardent young Republican, the hospitable doors of the League "palace" have been strictly guarded. The back gates of the old hotel in the park on Lake Geneva are closed, and at the front door you state your business. When the great ones come to Geneva, the screws are put on tight and every card of admission is severely scrutinized. For who knows who may be the next to get slapped?

In the face—literally—of grave international complications the highest Swiss trial court which has just sat with ponderous weight at Geneva vindicated the honor of Switzerland as a safe place of resort for dictators. A jury of twelve men found Ivan de Justh, 28-year-old Hungarian Republican exile, guilty of an outrage and bad treatment ("l'outrage et les mauvais traitements") against the head of a foreign government on Swiss soil. The court of three old judges by a vote of two to one agreed that a law of 1853 could be stretched to apply to representatives of governments at the League of Nations, although intended solely to protect diplomats accredited to Switzerland. The ardent young Mr. de Justh, suave and well-groomed—"très élégant" the press described him—was generously sentenced to only the twenty-four days he had served in jail before being released on bail, to banishment from Switzerland for ten years, and to a fine and "emolument of justice" amounting to $160 with costs of about $400. He has paid the fine and costs from his small patrimony rather than appeal, for he regards the slap as worth its cost. And there was no technical error to appeal, anyhow. He has returned to Paris to continue editing the *Free Press* for the thousands of Hungarian Republican exiles, and to his job as secretary of the Hungarian Republican Party. It's a moral victory, of course, like all such defeats.

Considering that the prosecution was formally requested by the Hungarian Government, that it was the first political case ever tried in Switzerland at the request of a foreign government, that it was the first time in thirty-five years that this high federal court had sat in Geneva, that it involved brand-new questions of international law in the relation of Switzerland to the League of Nations—de Justh got off lightly. I asked him what he had expected as a result when he came to Geneva from Paris last June for the express purpose of slapping Count Bethlen. He replied: "I didn't think of that at all. I was willing to take whatever came. I was interested only in making a protest against the dictatorship and terror in Hungary. Afterwards I thought that six months in prison would be about what they would give me." He explained that his act was purely personal. He planned and executed it alone without speaking of it to anyone. He came to Switzerland as a reporter for *L'Ere Nouvelle* of Paris and was, of course, admitted to the League meetings. He stepped up to Count Bethlen as he was coming out into the crowded hall from one of the meetings and slapped his face once, saying: "I

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do this for the honor of the Hungarian nation and in the name of the Hungarian people." Count Bethlen ducked into a corner, his hands over his face, evidently expecting more. De Justh made a speech to the astonished crowd and distributed copies of a statement explaining his act. When the astounded onlookers recovered their wits, two of them grabbed de Justh and held him for the police.

This was the undisputed story. The trial, therefore, was brief, covering only two days. Only two witnesses were heard, one testifying to the arrest, and the other, the secretary of the Hungarian legation, as to his official representations. The defense called none because of the certainty of revenge by the Bethlen Government on any who came from Hungary to testify as to the truth of de Justh's charges. The bare, gray courtroom was crowded chiefly with journalists and League attachés. The section reserved for the public in the rear behind a low partition was only partly filled, mostly with working-class radicals, mildly interested in this bourgeois Republican.

One of the gendarmes in the courtroom—all of whom looked like Napoleon in field uniform—unbent to observe to me: "This affair is absurd. Count Bethlen deserved what he got. If it weren't for the Hungarian Government the case would have been settled in the police court with a ten-franc fine. It's a fine spectacle to see dictators so well protected in a republican country." That was the view of the man in the street, but the "responsible" citizenry, whatever their views of the Horthy regime, felt that Switzerland must do her duty to the League.

The case was frankly political. The "common assault" was lost in high international questions. The speeches in court reeked with politics. M. Marius Moutet, of Paris, French Socialist deputy brought in as counsel for de Justh —a most unusual proceeding—made the most of the Hungarian franc forgeries. The whole Horthy-Bethlen regime, with its terror, suppressions, chicanery, and cruelties, was eloquently laid bare. Nor did Moutet fail to point out that when the Russian Soviet representative Vorovsky was assassinated at Lausanne in 1923 by Conradi, a Swiss long resident in Russia, the trial took place before an ordinary local criminal court and the jury acquitted him of "liability," though the murder was admitted. "For a simple slap," cried Moutet, "de Justh is brought before the highest federal court, while for a murder Conradi went before a cantonal criminal court."

The defense endeavored to divide Count Bethlen into two persons—one, the head of the Hungarian dictatorship, the other, the delegate to the League of Nations. De Justh explained: "I admit striking Premier Bethlen, but I had no intention of hitting a delegate to the League of Nations. I wished to strike only the head of the usurpers' government of Hungary." The prosecution observed at this point that de Justh had picked out an occasion at Geneva when Count Bethlen's several positions could hardly be separated. And anyhow it was the same face.

The jury was evidently far more moved by the prosecutor's plea to vindicate the honor of Switzerland among the nations. Said he:

> The League of Nations should be able to count on the protection of the Swiss authorities to accomplish its work of peace in a calm atmosphere of absolute respect. The whole country is interested in a verdict which will make new law, and is of the highest importance from the viewpoint of our international relations.

The jury had only to decide the facts and in half an hour brought in a unanimous verdict of guilt. The judges, with one dissenting, agreed (1) that representatives to the League of Nations are guaranteed the same protection as diplomats accredited to Switzerland by virtue of an article of the compact which provides that "representatives of the members of the League and its agents shall enjoy diplomatic privileges and immunities in the exercise of their functions"; (2) that the old laws of 1853 applied because the Hungarian Government had officially requested the prosecution and had shown that it granted reciprocal protection to Swiss representatives in Hungary; and (3) that there were extenuating circumstances for de Justh in the fact that "his act was disinterested and that he had obeyed patriotic motives."

So it is now clearly Swiss law that any official personage who is slapped, however patriotically, at the League of Nations will have the satisfaction of invoking the power of the highest court; that the buildings of the League are not "extraterritorial" but subject to Swiss law; and that the country is safe for all dictators—except Russian.

# In the Driftway

THE Drifter's recent comment that "nobody loves an automobile" has brought to him, as he knew it would, several letters of dissent and, much to his surprise, one note in agreement. M. H. W. writes in this wise:

> Our first car was an old Pierce-Arrow. It had a right-hand drive, no door for the front seat, and tires that felt their duty so keenly that it took an hour to change one of them, with all the small boys of a town about to offer encouragement. We used to put Methuselah's top back and pile in ten strong, some perched high on top of the back seat, while those below hung on to their legs to keep them from blowing away. We sang lustily as we sped under friendly trees in the evenings. We ate innumerable hot dogs in new picnic places. Do you wonder that tears were shed when Methuselah departed?
>
> There's no accounting for tastes. Take my brother-in-law's dilapidated Ford, for example. All the children loved it. It was amazing to see how, at a gathering of the clans, they preferred it to all its powerful, bran'-new, shining relatives standing near. They raced in and out of it in a steady stream. They poked their heads up through a hole in the top. They pressed every pedal and moved every available piece of apparatus. They rocked it from side to side. The clean cars stood near, disdainful, but envious.
>
> And now I come to Ebenezer, who at this moment is gazing at the back wall of a barn with a sense of melancholy neglect that sends a pang through me now and then. He—notice the pronoun, Mr. Drifter—is my first and only car. I think even you would have developed some sort of affection for him if you had seen the way he climbed mountains, sped through dust storms, dashed through mud holes. And if you had gone camping with him you couldn't have withheld your admiration. We were dependent on no hotels or tourist cabins. Ebenezer provided us with a bed. And after a car has enabled one to see Mount Shasta from the Siskiyous, and to gaze upward into the forbidding beauty of the redwoods, how can one *help* but love it?

* * * * *

FROM the heart of New York City comes this word:

> The fault lies not in the machine but in the owner. Automobiles are loved, but only by those who know and understand them. First, as to the average car-owner. What does he know? Pressed, he can tell you that his car has six cylinders, an oil filter, certain refinements of car-

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buretion and ignition. But that space under the hood is still the home of mysteries to him, on the rare occasions when he peers into it. Of the beautifully interdependent functioning that goes on under his feet he is worse than ignorant; he is complacently acceptant.

The modern car has clean lines: the radiator goes up high and thin, with something of the look of a deep-chested thoroughbred horse and something of that suggestion of strength and speed and endurance. It has taken only a quarter of a century for the automobile to evolve from the high-wheeled horseless buggy to the form that exactly suits its function. What America has almost done in architecture and native music has been successfully created in the automobile—a new form and a new beauty.

And yet, admitting this, one does not truly love mere beauty. It is personality, individuality, that hold the affections. Like a new-born baby, a new car is seemingly vacuous and uninteresting.

If you would love your car, then buy it second-hand. It will be a fully developed entity, and someone else will have paid the high price and reaped the meaningless rewards of auto-snobbery and trouble-free driving on smooth pavements.

I have owned cars, and I have sold old ones to buy new. But each time an old car trundled down the street toward the resale shop and the ultimate junkman I have experienced the shame and self-reproach of a father who sells his child to slavery. Always the new car was an interloper for a time, until I could forget the old and become engrossed in the study of a new personality.

* * * * *

FINALLY, the Drifter appends a word of sympathy from a correspondent signing himself either "The Connecticut Hired Man" or "The Connecticut Fired Man," it's impossible to make out which:

> Your answer's in a summer evening down by the dock; by the roundhouse on a crisp blue winter morning. The little yawl dipping and nodding to the lazy swell, anchored at rest yet full of life, anticipation of adventure just around the headland; the engine standing shiny and glossy like a well-bred horse, steaming like a dragon, rumbling and thumping. In a cold cement tomb sits your automobile—no gentle rocking there, no clanking action, just tin and iron, dust and greasy oil. Dust and mud, effort and aching spine. Stops for this and for that. More oil—more grease. Oblivion!

THE DRIFTER

# Correspondence

## Church and School

TO THE EDITOR OF THE NATION:

SIR: Mr. Hays says in *The Nation:* "Through this method the child, as recompense for going to church, avoids one half hour of school." Is church so much pleasanter than school that the substitution operates as a bribe? If so, ought not the school-teachers to spend the religion half-hour in attending the children's church to learn how to make teaching attractive?

*Ballard Vale, Mass., February 9* STEVEN T. BYINGTON

## The Bishops and the Knights

TO THE EDITOR OF THE NATION:

SIR: The Pastoral Letter of the American Bishops on the Mexican situation must have been sent to your office; it is not a secret document. After all, it is the bishops who speak for the church, not the Knights of Columbus. I hope you will find time to examine the pastoral. It may be good for what ails *The Nation*, the apparent conviction that there is no truth among us. The Catholic church in America does *not* want war with Mexico, any more than the two groups you so happily choose to mention together, "the Methodists and Masons." The church in Mexico does not want war with the United States. Even the Knights of Columbus do not want war—with anybody, that finely cultivated and tolerant Senator from Alabama to the contrary notwithstanding. This has been the church's attitude from the beginning, in spite of the inevitable few hot and empty heads here and there. And, by the way, that yarn about an archbishop at the head of a rebel army in Mexico is good copy—but it's not true.

*St. Paul, Minnesota, February 1* BERNARD VAUGHAN,
Editor the *Catholic Bulletin*

## The Catholic Church in Mexico

TO THE EDITOR OF THE NATION:

SIR: It is true that the Pastoral Letter of the Catholic Episcopate of the United States on the Religious Situation in Mexico said that "Christian principles forbid the church founded by the Prince of Peace to take up the sword or rely upon such carnal weapons as the inflamed passions of men would select." But what men say and what they do is often, sad to tell, very different.

I am afraid that Mr. Drees who quoted the pastoral letter to you has not read either the history of Mexico or of other countries in which he will find incontrovertible evidence that the "church founded by the Prince of Peace" has either used the sword direct or blessed it in the hands of its champions. He will also find that it has frequently "relied upon such carnal weapons as the inflamed passions of men would select." It is true that some noble men within the church have rebuked its hierarchy for such abuse of the teachings of the Prince of Peace, but it is also true that they have suffered at its hands for their loyalty to the teachings of the Nazarene.

In Mexico the hierarchy in the past have blessed the sword of its defenders and excommunicated faithful priests who dared to champion the poor and the oppressed. Fathers Hidalgo and Morelos were not only excommunicated but put to death for this, a crime in the eyes of the hierarchy. There is no record that the hierarchy was ever rebuked for this.

Does your correspondent know nothing of the praising by the hierarchy of the sword "of the ever-victorious Santa Anna" in the middle of the last century; of the backing by the hierarchy of the unspeakable Huerta, whom the late President Wilson refused to recognize because of his murderous record; of the actions of the Archbishop of Guadalajara in support of General Estrada in the de la Huerta revolt in 1923-1924?

Has your correspondent never read the statement of Judge Talley, the president of the most influential lay society of the Catholic church in the United States, rebuking the Government for its failure to lift the arms embargo? Has he failed to read the utterances of the Archbishop of Baltimore in the beginning of what has been misnamed "the religious controversy in Mexico"? In reality religion has little to do with the present controversy, which is between the Government of Mexico and a hierarchy which the records of history show has opposed every step toward democracy, whether in the days of Juarez or today, when the producing masses of Mexico are struggling through peaceful political action to raise their standard of living.

In conclusion I would draw your attention to the fact that the pastoral letter came only when an aroused public opinion in the United States gave warning that the powers of the Government must not be placed at the service of any church hierarchy. I would also recall the saying of the Carpenter of Nazareth: "By their fruits ye shall know them."

*Mexico City, February 12* CHARLES W. ERVIN

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## A Victory for Force

TO THE EDITOR OF THE NATION:

SIR: Since I acted by request of the Citizens Committee as chairman in two public attempts by that committee to bring about negotiations between employers and their striking employees in the paper-box makers' industry I feel a duty laid upon me to make a public statement on the termination of the struggle by the temporary defeat of the strikers.

In no spirit of partisanship and simply on the basis of the facts it must be recorded that the employers throughout the strike showed a contemptuous disregard for public opinion. Throughout the larger part of the eighteen weeks' struggle the workers were willing to negotiate. It was the employers who were determined to fight the thing through to the end. Their utmost concession was a reluctant consent to the appointment by the Mayor of a fact-finding committee whose existence, they stipulated, did not involve recognition of the union and whose conclusions they were not bound to accept. And even these concessions came too late to be of service. The workers lost their strike because the employers had the advantage of position and financial power.

Such a victory by the employers settles nothing. It increases bitterness. It remedies no basic cause of trouble in the industry. Wages and working conditions are still subnormal according to official documents of the State Labor Department. It is not a matter of indifference to the public that this should be so. Nor should those men and women in the community who sought to substitute negotiation for force see the failure of their efforts without recording their solemn protests. The hope of peaceful social progress depends upon an increase of industrial self-government and a steady improvement of conditions in those subnormal industries where conditions are worst. Both these desirable ends have been temporarily thwarted by the course of events in the paper-box makers' strike. A public which is powerless to take other action may at least be informed of the facts in order that it may render its moral judgment against a repetition of this sort of thing in the industrial life of the community.

*New York, February 28* JACOB BILLIKOPF,
Impartial Chairman, Men's Clothing Industry

## Capital Punishment

TO THE EDITOR OF THE NATION:

SIR: We are informed, by the press, that Mr. Henry Ford is strongly opposed to capital punishment. We are also informed that the same gentleman has amassed a fortune, estimated at two billion dollars, by the manufacture of automobiles. Yet Mr. Ford is aware that automobiles, owing to their excessive, unnecessary, and homicidal speed (which is, in fact, illegal) are inflicting capital punishment in this country every year upon more than twenty thousand guiltless persons, one-third of whom are innocent and helpless little children.

If Mr. Henry Ford really objects to capital punishment he should reduce the speed of his automobiles to a safe and reasonable limit, and induce other manufacturers to do the same.

*Denver, Colorado, February 14* BERTRAND SHADWELL

## Civilized Arkansas

TO THE EDITOR OF THE NATION:

SIR: The Arkansas House, after a hot debate, barely passed the anti-evolution bill pending in the legislature; but early the next day the Senate promptly killed it without debate and without a roll call.

The *Arkansas Gazette*, the leading newspaper of the State, rendered conspicuous and invaluable service in this fight for intellectual freedom.

*McRae, Arkansas, February 14* CLAY FULKS

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# Books, Music, Plays

## First Glance

EDNA ST. VINCENT MILLAY'S "The King's Henchman" (Harper: $2) has neither the form nor the force of her three earlier plays, though two of those were slight and the third was college-Elizabethan. The fault may lie with the fact that Miss Millay in the present case had to write with both eyes on the operatic stage, had in other words to perpetrate a libretto for Deems Taylor to compose by; or it may lie elsewhere. At any rate "The King's Henchman" is not much of a play, except in certain spots which I shall speak of.

The story cannot be believed. That is the first drawback, and I suspect that the weakness is not in the material as such. In some other form or through some other telling it could have become credible; a ballad, written by Miss Millay herself, or a full-length tragedy by Shakespeare might have been decidedly effective. Either a very spare handling, with bright emphasis on a few picturesque details, or a very rich handling, with plenty of space in which to motivate the fatal action, was necessary. Miss Millay, forced by opera to set a full stage and start great things going, is prevented by opera from showing that she knows anything important about human nature. The first half of the piece is the better half because there we are simply being introduced to the people and hearing them talk; and they talk fetchingly—quite indeed as if the last thing their creator knew was that tragedy lurked a few hundred lines ahead. King Eadgar's farewell to Aethelwold at Winchester, with the all-night feast that preceded and glorified it, is surely fine, and so is the first misty meeting of Aethelwold and Aelfrida in Devon, with Maccus, the "bearded nightingale," standing among the trees. But then come marriage and eventually the necessity of action; then comes Eadgar down from Winchester to see this foster-brother of his who, sent to woo Aelfrida for Queen, has stayed with her there "in the eaves of the earth." In all this latter part the plot speeds up beyond believing; decisions are made, minds are changed, death arrives without proof or warning; the opera has not given Miss Millay room to turn her genius around in, and so she gives up. The problem is introduced but never faced. To have faced it and solved it would have been perhaps to write a great play.

In the first act, and occasionally elsewhere, I thought of Shakespeare. There are a dozen lines or groups of lines in which Miss Millay is witty—in the poetical sense—as no other living poet can be. When she is free from the responsibility of conducting persons through the maze of tragedy, when she can be the lyric poet she is, she can, for instance, make Eadgar call the middle-aged bard Maccus a bearded nightingale. Archbishop Dunstan says quietly to his scoffers:

> The Church of God is not a candle.
> Blow on.

Maccus says:

> My heart hath a stone in its shoe.

And Aethelwold:

> I could do mousily by a crumb of cheese.

"And forth he went," says Ase of one Thored, "buzzing like a fly in a crack." Aelfrida after a winter of marriage chides Aethelwold:

> I see thee go forth into the wood to hunt,
> And come home like a baby with a wilted blossom in thy fist.
> Thy helmet is a house for spiders,
> And thy saddle is cold.
> Where is that Aethelwold
> That was the King's darling,
> And the dread of the Dane,
> And my true love?

And so on, in longer passages still more deeply dyed with felicity. The play abounds in uniquely lovely lines. But a play is not composed of lines any more than a poem is composed of words. There is abundant evidence here that Miss Millay is a surpassing poet; she has not in this case written a surpassing poem.

MARK VAN DOREN

## Professor Quixote

*Main Street and Wall Street.* By William Z. Ripley. Little, Brown and Company. $2.50.

PROFESSOR RIPLEY—who once taught me the art and economics of railroading—has mounted a white horse, clapped a visored helmet over the merry twinkle of his eyes, encased himself in chain mail, taken a lance new sharpened from the hands of Mr. A. A. Berle, Jr., a mace from Mr. Alexander Dow of the Detroit Edison Company, a sword from the collection of Woodrow Wilson, and with spurs—perhaps provided by Mr. Ellery Sedgwick—has ridden horse and accouterments down Brattle Street, along Massachusetts Avenue, and so into State Street, and, gathering clangor, clean through the offices of the American Woolen Company, Willett-Sears, the Waltham Watch Company, the New England Power Company, and the Boston Edison Company—and so, amid an ever-growing shower of inkpots, ledgers, blackboards, adding machines, and ticker tape, along the Boston Post Road with excursions, in full regalia, into the Connecticut River Power Company, the North Adams Gas Light Company, the Associated Merchants of Connecticut, and so down Broadway to Wall Street with a frightful carnage among office breakables in the local headquarters of the Great Atlantic and Pacific Tea Company, the United States Rubber Company, the National Biscuit Company, the Studebaker Corporation, the Botany Worsted Mills, the North American Light and Power Company, Cities Service, Dodge Brothers, Incorporated, and come at last to rest, the twinkle still in his eye but with a resolute lance (resharpened by Mr. Berle en route) bedecked with the bisected annual reports of great corporations leveled (not for nothing have I read Henry James), leveled, I repeat, full at the main entrance of what might be termed, for want of a better simile, the Religious Center of the Republic, the New York Stock Exchange. . . . [Five minutes for refreshments.]

From within this awful shrine, in the face of that undrooping point, come sounds denoting terror, remorse, renunciation, and the whirring squeak of a vigorous vacuum cleaner—which all goes to prove what we Harvard men can do when we get our dander up.

All the world knows how a couple of articles in the *Atlantic Monthly* swept the financial centers of the country, put their author and his opinions into the headlines and the editorials of every newspaper, and finally forced the governors of the New York Stock Exchange to contemplate, if not to make, drastic revisions in the rules covering the issue of no-par-value and non-voting common stocks. These articles, greatly expanded, documented to the hilt with specific cases, have been made into a book. Perusing its sprightly pages, and skipping but few of its learned citations, I attempt to get into focus just what it was that broke so much plate glass, and splintered so many swivel chairs, along State and Wall streets.

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Corporation financing, particularly since the war, is charged with the following high crimes and misdemeanors:

> A growing limitation upon the time-honored right of stockholders to participate in future issues of securities. The gravy, if any, is swallowed by the insiders.
>
> Insiders are arrogating to themselves sole right to issue new securities, often with priority over existing issues.
>
> The unrestrained right of management to dispose of new shares upon any terms it likes.
>
> Power to sell the assets or to enter into new corporate relationships without let or hindrance.
>
> The attempted exemption of directors and officers from liability for their corporate acts.
>
> Absurdly inadequate financial reports, and the muzziest sort of treatment accorded to the central problems of adequate reserves for depreciation and obsolescence.
>
> A pyramiding of intercompany securities through tier upon tier of holding companies—particularly in public utilities—that makes accurate accounting a farce, the wayfaring stockholder a powerless dummy, State corporation laws a joke when not a positive source of corruption—witness Illinois: rate regulation an incipient scandal, and any attempt to secure a true financial picture of the whirling tower of Babylon, a dream and a delusion.

In brief, the fat boys, no longer content with their ancient perquisite of milking the public, are now engaged in the dizzy and lofty job of squeezing their own stockholders dry! Whatever else it may be, it is evidence of an utterly sublime nerve. By means of the no-par-value device, non-voting common stocks, the series A, B, and double B, cumulative, participating, first, second, and third preferred—by means of a mouthful of succulent and appetizing words, Main Street buys the lot, bewildered by a show of learned terminology and beautiful engraving, while Wall Street, not out a penny, hangs on to the Series Q Management shares which control the whole works.

Owning no stock, I cannot weep with Professor Ripley at the fate—still largely prospective; it will take a business depression for the dirty work to find its stride—of the lay or garden stockholder. But I can admire the consummate skill with which he gathers his facts and states his case.

To develop that case in any detail is beyond the limits of a book review. The reader is urged to seek the original source. He will find it richly rewarding, whatever his political views. But if a summary is permissible—and I am not at all sure that it is—I would summarize the situation which Professor Ripley attacks in the following terms. Be it remembered, this is my summary and not his.

One can buy a business to operate it, and so achieve something in the nature of a public service; or one can buy it to sell again, hopefully at a profit, thus achieving nothing but confusion and rising costs. City real estate is now largely dominated by the latter motive—the gambler's motive. More and more great corporations, such as combinations of public utilities, are coming under the speculative technique. This in the face of the fact that there is very little risk, relatively speaking, in public utilities. In the place of the hard work which is so often necessary to make a concern pay handsomely by virtue of operating it well, how much easier to get control of it, make the public pay the purchase price through non-voting securities, and then retain all the profits of a resale by means of the Class Q Management shares which have cost you precisely nothing? Or hang on to the management shares and experiment with the fine art of milking subsidiaries? Of $1,500,000,000 of public utility securities now outstanding in the hands of the public, the control of the whole investment lies in the hands of a few Class Q gentlemen "who have paid not one cent for their holdings." A prettier way to eat one's cake and have it, too, it would be difficult to imagine.

Professor Ripley draws a telling parallel between the railroads a generation and more ago and the light and power industry today. The railroads went through a series of financial nightmares engineered by those great captains of industry who knew how to turn ten honest pennies by wrecking a road for every penny to be gained by soberly operating one. The terminology is incomparably more elegant today, but precisely the same up-and-coming forces are at work. Before the people of the United States—aye, even before the stockholders of the several companies—shall benefit from the magnificent new technique of giant power and its by-products, the insiders are determined to put such a load of securities on the whole fabric that all the benefits will be drained into their particular pockets. They will collect from their strategic position all that the traffic will bear in cold cash, and then, happily, get out from under before the inevitable day of reckoning and reorganization and squeezing out comes. In later years they can write success stories for the *American Magazine* setting forth how pluck and perseverance wrecked a magnificent engineering achievement, ruined a million minor stockholders, and loaded the electric light and power bill of every consumer with waste and loss for a generation.

The author's lance is leveled at no windmill but at a real, live, fire-breathing dragon. If he can slay it, he will save the American people a very considerable number of billions of dollars in the next decade or two.

A bespectacled professor on a horse in the middle of Wall Street. Shall he stand alone? STUART CHASE

## Study of a Sensitive Boy

*Little Pitchers.* By Isa Glenn. Alfred A. Knopf. $2.50.

"LITTLE PITCHERS," Miss Isa Glenn's most worthy successor to her novel of a year ago, called "Heat," is a tragedy seen through a veil, a veil that has been arbitrarily rent in several places by the astute and sophisticated maturity of the author. To be precise, the veil is the mind and somewhat limited comprehension of young Michael Clendenning and the tragedy is the acrid and unequal struggle of his father and mother to maintain their married relationship in spite of an obvious spiritual incompatibility. The book, therefore, resolves itself into a long series of bickerings, fragmentary recriminations, broken accusations, and dimly comprehended gestures that impinge on the sensitive and somewhat foggily mystic-minded boy. The device is dangerous, for it is apt to lead into extravagant presentation, the implantation of a maturity of comprehension in the child, for instance, that should not be there, or, on the other hand, an incompleteness of texture due to an over-insistence on the juvenility of the mind through which the subject is perceived. It is a distinct vindication of Miss Glenn's technique to point out, then, that she does not fall into either morass but pursues a careful intermediate path. The reader is impressed with the fact that he is seeing or hearing nothing that has not been seen or heard by Michael, and he is also amply enlightened regarding the most subtle shifts of the relationships between Lucy and Peter Clendenning.

It is possible that Michael is an ultra-sensitive boy, but, even so, there are ample reasons for this sensitiveness. He has been dragged over half the world, for his father's labors lead him into the tropics, and he has necessarily had a somewhat lonely life that forced his mind in upon itself. Amid the sophisticated scenes of Rio, where even the children, apparently, discuss illegitimacy with the sangfroid of the most blasé adepts, he achieves what might be called a juvenile maturity that is, however, never vicious but always somewhat innocent and wide eyed. This portion of the book is splashed with excellent color and proves again what readers of Miss Glenn's "Heat" already knew—that she is extraordinarily able in the depiction of tropic atmospheres, managing always to inject into her chapters the very feel and texture of the free, sprawling, semi-vicious, sun-heated, dirty cities of the tropic belt. It is here, too, that her characterization is at its best, such entirely delectable creations as the Mimi-Lala-Elizabeté group, for instance, standing out in pure comedy relief and yet impressing its reality on the reader.

The major (and, indeed, the only) problem in "Little

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Pitchers," that of the complicated relationship between Michael's parents, remains unresolved to the end, for, after all, death resolves nothing but is a mere begging of the question, an arbitrary gesture to force a conclusion. Yet the justification for such an ending should be obvious enough. There is, in reality, no meeting-place for Peter and Lucy, since their minds move in different orbits. Lucy's looseness of behavior is as natural to her as self-preening is natural to a cat, and Peter's perplexed and somewhat trite protest is a sure index to his character. Although a superficial examination may place Peter higher in the moral scale it is obvious that he is not so likable a personality as Lucy. He is a little heavy, a "woman's-place-is-in-the-home" type of man. Michael, it is to be feared, is somewhat of a childish replica of him. Lucy, on the contrary, is a woman of instincts and vanities commingled of sensuous and sensitive substances. She loves life more than duties and it is this more than anything else that drives her into the various illicit affairs with rather unworthy men. Miss Glenn has drawn this type with an unclouded reality, and, because it is so well drawn, "Little Pitchers" takes its place among the season's distinguished fiction.

HERBERT S. GORMAN

## A Pressed Flower

*All Summer in a Day. An Autobiographical Fantasia.* By Sacheverell Sitwell. George H. Doran Company. $3.50.

"All Summer in a Day" is in the tradition of English introspective literature. It treats much that is trivial or intimate without the salacity of confession we are accustomed to call French, without the frantic anxiety for sympathy we term Slavic, and without the matter-of-factness of the American. Nevertheless, in the fruitful field of the "Religio Medici," "Confessions of an Opium Eater," "Essays of Elia," and "Winterslow" Mr. Sitwell's fantasia ranks at best as a very low shrub. Nourished on a more positive character—for good or for ill—it might have risen somewhat, but only when steadied by some sense of the architecture of writing could it have really achieved altitude. Construction above all other qualities it lacks; its author appears to depend more upon a vague lyrical response from his readers rather than upon their understanding.

A mood he does achieve, and in passages we are apt to forget the disjointed English of the whole—passages that somehow flower exotically in a room whose blinds are drawn. There are moments when one feels at home, entertained by a sense of recognition and a familiar sadness, as of rain sounding on the sky-light. Both the lush somnolence of the sentences and the quick entry and exit of pasteboard people in one attitude or another create this sadness. It is not without its pale beauty when undiluted by the author's comment, and one may even be led to feel that the book has lasting images, substantial experiences rendered with art by one who is intrinsically a poet; and here and there is a sentence valuable for its sound.

The insignificance of the content and the relaxation of the style, however, are too great a strain. We have come to expect little else from the younger and polished literati of England, and if sociology points to an aristocracy that lacks a *raison d'être*, criticism should take the clue and call men with more vital backgrounds to the task, plus the privilege, of expressing the period. Only in the face of a book like "All Summer in a Day" is the passive and craven character of contemporary criticism apparent. In Crocean fashion we refrain from criticizing books for what they are not; but when books throw us insidiously, as an excuse for continued existence, only the sensationalism of an acute animal, it is high time to criticize those books adversely for what is not in them. Yet when criticism does take the offensive, "All Summer in a Day" with its "degree of immortality that a flower possesses pressed between the pages of a book" will be found comparatively only a minor offender.

JOHN WALDHORN GASSNER

## Young China

*The Youth Movement in China.* By Tsi C. Wang. New Republic. $1.

WHERE else are youth so young, so full of the springtime of the world, and yet so old, so burdened with a sense of their responsibility to the world, as in China today? Where else, indeed, are youth so important?

There, in a sense, a generation is being sacrificed on the altar of progress. There are no middle-aged men in modern China. There are grand old men, survivals of the old regime; and young men, fresh from Western education. The old men cannot adapt themselves to the swirling changes; the young men are forced to act beyond their capacities. "It is unfortunate for men of talent to be born in China today," Hu Shih said to me once, "they get too far too easily; they are pushed rapidly to responsibilities beyond their powers—and they are done. Wellington Koo would have made a splendid permanent under secretary of the Foreign Office—he is made Prime Minister; Wu Pei-fu an excellent division commander—he has to try to be a generalissimo; two years after I returned from America a newspaper straw ballot declared me one of the twelve greatest living Chinese! When you have made a reputation you have to do one of two things: live up to it or live on it. In the first case, you are ruined physically; in the second you are ruined morally and intellectually. You try to be a great man; you try to do too many things—and you break."

Boys out of college perforce assume jobs fit for men of mature years; college students do the work done in the West by men in their thirties; and mere high-school lads do a task of political agitation for which we would consider college men unripe. They do it badly enough; but there is no remedy; the twentieth century will not wait, and the work has to be done. The foreigners, safe in their compounds, complain that the boys are losing their schooling; but the students know that they are making young China.

An old Chinese maxim said "Be old while you are young." In the West, Chen Tu-shu told his Peking students, we say "Stay young while you are growing old." Chen, like many Chinese, exaggerated our virtue, but it was a lesson old China needed. Without the iconoclastic students Sun Yat-sen's long years of revolutionary activity would have been vain; the students poured their souls and blood into the Second Revolution that seemed to fail in 1913; and it was the students of Peking who, in 1919, overturned a rotten and corrupt government, aroused a sodden nation, and forced a surprised delegation at Paris to refuse to sign the Treaty of Versailles which confirmed Japan—for three short years—in possession of the sacred province of Shantung. It was a group of just returned students who, in the preceding two years, had laid the foundations of a greater revolution by exalting the spoken language of the people, decrying the artificiality of the old written language of the scholars, thus opening the way for a great germination of mass education. It was a student demonstration in Shanghai which, silenced for a minute by police guns, touched the spark that set the Chinese nation aflame in 1925 with a fire which is still scorching the proud British Empire. It is in the mere children who leave their classes for what seem futile patriotic parades that China's hope lies. Where in our discouraged West would a student deliberately break his finger to write in blood "Save our Tsingtao"; and where else would that gesture seem a holy act and arouse millions to determination?

The Iliad of the Chinese student movement has yet to be written. Dr. Wang's little book is a stirring, turgid outline of its genesis. It follows the record of the first foreign students, the era of translations, the Literary Renaissance, the anti-religious movements, the triumphant Peking movement of 1919. Apparently Dr. Wang left China in 1922, and his story is not brought to date. The Shanghai movement is hardly touched

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upon; the interrelation of the student and labor movements is barely hinted. His book lacks evidence of the most elementary editing—Hu Shih's name, for instance, is spelled in four different ways; other names are almost as erratic, and the proofreading is wretched. Yet somehow the springtide of China's youth movement surges across its pages; I began reading late, and could not sleep until I had finished. Translations of student diaries and of pages from Hu's, Chen's, and others' elsewhere untranslated writings convey the passion and poetry and color of the young generation in China. Too many foreign-trained Chinese students lose their roots; they write the history of their own country from foreign sources; in these pages of translation Dr. Wang gives us a kind of telescope through which we can watch the comet-course of this young and inexplicably living China.

LEWIS S. GANNETT

## John Bull and Brother Jonathan

*The American in England During the First Half Century of Independence.* By Robert E. Spiller. Henry Holt and Company. $4.

MR. SPILLER gives us an entertaining summary of the impressions of rather more than a hundred American travelers in Great Britain between 1780 and 1835. The list of names is impressive. It includes writers like Irving, Cooper, Longfellow, and N. P. Willis; scholars like Ticknor, Benjamin Silliman, and Jared Sparks; artists like Benjamin West, Washington Allston, and S. F. B. Morse; and, of course, the envoys—John Adams, Richard Rush, Albert Gallatin, and Martin Van Buren. Only about twenty-five of them actually wrote books of travel, but Mr. Spiller has extracted the opinions of others from diary jottings, letters, and fugitive publications. The record as a whole is vivacious, interesting, and, though too superficial to have much value for the specialist in English social history, informing for the general reader.

It has the merit of throwing nearly as much light upon the American character and point of view as upon the British. This was a period when England was still the mother country, when men of cultivation were naturally Anglophiles, and when Washington Irving could be one month on the hostile Canadian border with his militia regiment and the next month fraternizing on board an Atlantic packet with British officers. Most Americans were deferential. Young James Gallatin, to be sure, remarked that "I frankly don't like England or English customs and manners," and Fenimore Cooper attacked the vices and artificiality of English aristocracy as warmly as he attacked the crudity of American democracy. Numerous travelers complained of the English reserve of manner. But the dominant note was that struck by Irving in his idealizations of English country life, literary scenes, and hospitality. Rush and N. P. Willis took a keen delight in London society. Silliman, spending a year abroad in search of scientific enlightenment, was as much impressed as Ticknor by England's cultural superiority. American business men, like the manufacturer Zechariah Allen, envied the enterprise and energy of the British industrial centers. American artists delighted in the picturesque beauty of the country and the high station accorded to the arts. As America grew toward maturity, however, this deferential attitude was strongly modified.

The amusing incidents which can be caught up in a book like this, the picturesque descriptive bits, constitute its principal charm for the general reader. Royalty received generous attention. Elkanah Watson saw George III go before Parliament to make his memorable acknowledgment of American freedom, and dwelt upon the anguish and despair on the long visages of the American Tories in the gallery; young Gallatin saw George IV come home drunk from a cockfight, fat, redfaced, and staggering. William Austen described Fox—slovenly, unwieldy, ungracious, and shrill, yet irresistibly fascinating—and Rush the "intuitive and brilliant" Canning, while Nathaniel Wheaton listened to Macaulay's first public speech in London, long and loudly applauded. Few Americans failed to invent an opportunity to call upon at least one or two literary lights. It is noteworthy that they sought out the well-established authors of the day, such as Wordsworth, Coleridge, Scott, Rogers, and Moore, and paid no attention to figures like Keats. Hannah More and Barry Cornwall were more important in American eyes than Lamb and Hazlitt. Coleridge talked right through every Yankee who knocked at his door, and Wordsworth, with leggings and green goggles, edified them with—as one put it—"sound remark and didactic wisdom."

The volume is in some respects disappointing. These supposedly inquisitive Yankees paid little attention to the lower classes and the industrial revolution; they were not much interested in education or government; they saw little but the upper strata of English society and the outside of British institutions. They were acquiescent and uncritical. But Mr. Spiller has made the most of his material and given us clues to a great deal of buried information.

ALLAN NEVINS

## The Emerging Balkans

*The New Balkans.* By Hamilton Fish Armstrong. With an Introduction by Archibald Cary Coolidge. Harper and Brothers. $3.

THIS book is not, as its title might suggest, a survey of post-war Balkan conditions but a collection of more or less unrelated articles of unequal merit on "a few of the special problems that are troubling, or may at any time trouble, the Balkan peninsula." It lacks organic unity. But this defect, aggravated by the absence of an index and even a short bibliography, is partly made up for by Professor Coolidge's brief, adequate introduction, which provides an indispensable historical background. The author's temper is all that could be desired. He is free alike from strident partisanship for one or another of the Balkan nations and from an attitude of condescension toward all of them characteristic of much of the work of outsiders on the subject.

No part of the globe has undergone greater changes during the last fifteen years than the southeastern corner of Europe. These changes in the southeast, combined with the general transformation of the European map, have resulted, startlingly enough, in a palpable decline of the international importance of the Balkan peninsula. The disappearance of Austria-Hungary, the return of Germany to the Bismarckian tradition of aloofness from Balkan affairs, the withdrawal—however temporary and partial—of Russia from the Balkan scene, the break-up of the system of European alliances, and the creation of the League of Nations, whose dominant members, Great Britain and France, are primarily interested in the maintenance of the Balkan *status quo* and the preservation of peace, have greatly simplified the Balkan situation and robbed the game of *haute politique*, in which the Balkan states were mere pawns, of much of its pre-war complexity and zest. M. Seignobos's remark, indorsed by the author, that "the whole political history of Europe since 1871 has concentrated in the Balkan peninsula," while made in 1896, still held good in 1914, as Serajevo and its aftermath showed; but it would be a gross exaggeration today. Professor Coolidge warns that "the eternal Eastern Question is still with us"; but in a greatly modified and attenuated form.

As regards the outlook for Balkan peace, Mr. Armstrong, though reasonably optimistic, wisely refrains from definite prophecy. But he does record his conviction, which the reviewer shares, that Balkan peace should and will be promoted by the Balkan states themselves rather than by either the Great Powers or that much-advertised combination, the Little Entente. With its population of forty millions and its area of 320,000 square miles, distributed among six sovereign states,

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the Balkan peninsula offers sufficient scope for an exclusively Balkan pact of non-aggression. That the settlement of the outstanding differences among the Balkan states must precede this consummation goes without saying. And though there are many obstacles to be overcome, there are distinct signs of a new Balkan spirit abroad—a consequence of the disillusionment of war or of the attainment of national aspirations—which makes the prospects of peace considerably brighter than they have been at any time since the Congress of Berlin. We are witnessing the moral de-balkanization of the Balkan peninsula heralded by such un-Balkan portents as preoccupation with economic interests, a growing realization of the economic interdependence of the Balkan nations, a distinct decline of intransigent nationalism and irredentism, and an unmistakable attitude of sophistication and mistrust toward the European Powers. The Balkan peninsula has lived through—and survived—its age of innocence.

NICHOLAS S. KALTCHAS

## Books in Brief

*Frederic Harrison: Thoughts and Memories.* By Austin Harrison. G. P. Putnam's Sons. $3.50.

Mr. Austin Harrison has set down a stimulating and at times a vivacious account of liberal tendencies in Victorian England, with particular emphasis upon English positivism, in which his father, Frederic Harrison, was the dominant personality. The family note is entirely absent. The volume moves forward with a singular justness of tone. Clearly Mr. Austin Harrison is not a positivist himself; he has too much humor. And he has too much historical imagination to decry the intellectual milieu of the Oxford men. The age produced a fighting sociology and a fighting science whose implications we are still struggling with. But in the meantime it left many gifted men in an impasse, spiritually with the theologians, intellectually with Huxley, Clifford, and Tyndall. Frederic Harrison was such a man, and his chief reward for his sixty years of effort to acclimatize the philosophy of Auguste Comte in England was the suspicion that he sympathized with Catholicism for the plain reason that he did not sympathize with Protestantism. Thus, even in his heresy, choosing French humanism when the cry was all for evolution, Frederic Harrison was on the unpopular side, and his son leaves him there, with tact and sympathy and a wry smile at the irony of it.

*The Culture of Ancient Greece and Rome.* By F. Poland, E. Reisinger, and R. Wagner. Little, Brown and Company. $6.

This volume has definitely solved an "outline" problem of long standing; how to present to the semi-lettered multitude the splendors of classical antiquity in one moderately sized volume. We are presented here with a concise and penetrating study of the life, thought, and culture which have come down to us from Greece and Rome—a study intended for plain people who have neither time nor opportunity for specializing study. Outstanding features of the book are the many and excellent illustrations and the references to the latest literary and archaeological discoveries.

*Homes of the Freed.* By Rossa B. Cooley. The New Republic. $1.

*Negro Illegitimacy in New York City.* By Ruth Reed. Columbia University Press.

Here are two books about the Negro woman, as amazingly different as two books on the same subject can well be. The first is a vivid and moving account of the struggle upward toward homes and common decency as exemplified in the Carolina islands; the second is a description of a group of Negro mothers living in a furnished room in the city, with a man who may or may not be the husband, who may or may not be the father of the children. In both books we see Negro women caught in problems which are theirs both as women and as Negroes, working out these problems through the assistance of white agencies. "Homes of the Freed" has some significance as a sociological document but most of all it is an idyl; it has about it the naive charm of simpler and earlier days. Persons who like mental shocks might read it along with "Nigger Heaven." There is nothing idyllic about Miss Reed's study of five hundred Negro mothers. On the whole they show attitudes and attempts at adjustment to a difficult situation which are in no way distinctively racial. The economic independence of the Negro woman appears to be a phase which passes as the husband's earnings increase, while among the well-to-do cultured class Miss Reed finds standards of family life characteristic of the Puritan era.

*The Wives of Henry the Eighth.* By Martin Hume. Brentano's. $4.

Mr. Hume will have it, in flat contradiction of Froude, that Henry's two beheaded spouses—Ann Boleyn and Katharine Howard—were both guiltless victims of royal tyranny. Not the least amusing and instructive parts of the volume are the portraits of Henry's six wives, done in the staring, pop-eyed, Holbein and Frans Hals manner. If the portraits (both contemporary) of Ann Boleyn and Katharine Howard are faithful presentations, Mr. Hume has won his argument against Froude, and the ultimate verdict of history, confronted with such startling homeliness, must be: not guilty.

*Desert: A Legend.* By Martin Armstrong. Harper and Brothers. $2.50.

In the year 420 A.D. Palladius, bishop of Helenopolis, finished his "Book of Paradise," perhaps the oldest and surely the most suggestive account of the early Christian ascetics. This book is a mine not only of information but of romance, and Mr. Armstrong has done well to sink shafts in it and stope out the contents of its rich veins. Moreover he has worked upon Palladius's precious ores with an artist's imagination, carving them in lovely patterns and adding here and there some rich jewel from his own storehouse. The result is an understanding reconstruction of those curious days when a wealthy young Alexandrian might well abandon the fleshly sophistication of the city to seek spiritual comfort and the salvation of his soul as a lonely hermit in the desert. Malchus's monkly torments and temptations and his various adventures, spiritual and physical, in his difficult pursuit of holiness are both psychologically and archaeologically convincing. Less vivid perhaps are the few scenes laid in Alexandria.

# Music

## "The King's Henchman"

THE success of "The King's Henchman" has spanned so much of the future for American music that it looms up more important than the work itself. The preliminary interest one can discount by clever publicity and the personal popularity of Deems Taylor, the composer, and Edna St. Vincent Millay, who wrote the libretto. The professional character of the dress rehearsal, the social brilliance of the first-night audience, and the unprecedented box-office receipts for the premiere of an American opera attest merely to this. But a sold-out house greeted the second performance, which means that the public as well as the critics gave their approval. It means, too, that confidence has been established in the American composer where there has never been confidence before—a fact already emphasized by the equally unprecedented act of the Metropolitan in commissioning another opera from Mr. Taylor. Because of this effect upon the public it is less necessary at this period in our musical history that "The King's Henchman" be of great originality and far-reaching musical consequence than that it be a good opera. And this is what Mr. Taylor has achieved.

That a composer should seek his libretto from a poet, as

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Mr. Taylor did, is a cause for congratulation in any country—especially such a libretto as Miss Millay furnished. The tale itself has been told too often now to be more than touched upon: Eadgar, King of England, and a widower, "burns" to marry again. Hearing of the beauty of Aelfrida, daughter of the Thane of Devon, he sends his foster brother and dearest friend, Aethelwold, to verify the report. Aethelwold sets off unwillingly, for he knows and cares nothing about women. That night he loses his way in a woods near Aelfrida's house and there meets Aelfrida herself. It is Hallowe'en, and Aelfrida has come to seek "in rune and spell" a lover more to her liking than the country bumpkin her father has selected. The two fall in love, neither knowing who the other is. And when Aethelwold finally does learn the truth, he is so helpless in the power of this magic that he lies to the king about Aelfrida's beauty, and marries her himself. Marriage does not bring happiness, however. Aethelwold is tormented by his treachery to the king; and Aelfrida is discontented with her humdrum existence. Both indeed have agreed to flee to Flanders when Eadgar suddenly arrives on a friendly visit. Seing Aelfrida, he understands all. And Aethelwold, unable to bear Eadgar's noble reproach, falls upon his sword.

This tale undoubtedly bears analogies to Wagner's "Tristan," and Mr. Taylor has treated it in similar mood. The question is, however, whether it can stand such treatment. Miss Millay's characters are far more human than they are heroic. Aelfrida is a vain, shallow creature who might well have saved her husband had she but heeded his plea to make herself ugly rather than to make herself more beautiful, as she did, to greet the king. Aethelwold was quite willing to continue to deceive the king to the very end. Even their love scene lacked the epic passion of "Tristan." "I am lost!—I am swept out to sea!" cries Aelfrida, dazed by this new emotion. And Aethelwold, "Thou—knowest thou aught of love and how it taketh a man? Thinkest thou I am in love with thee?" Eadgar, too, young and personable, is quite human in his desires and affections.

And yet Mr. Taylor has chosen to treat this text heroically. His orchestra surges symphonically with an ebb and flow of passion truly Wagnerian. Strings and brasses, rather than the voices, carry the burden of the drama with little variety. In fact, the voices are too often submerged by the instruments, which was all the more unfortunate, as Lawrence Tibbett, Edward Johnston, and Florence Easton—cast respectively as Eadgar, Aethelwold, and Aelfrida—sang superbly. This may have been partly due to Tullio Serafin, who conducted finely but ruthlessly, as far as the singers were concerned. On the other hand, Mr. Taylor used his chorus with beautiful effect in the first act, where it was punctuated by the solo voices, and in the second act, where it played echo to the lovers. The sighing of the wind through the birch saplings, though too long, was also well presented by the orchestra. And the harp accompaniment to Maccus's song in the first act gave an appropriate atmosphere to the early Saxon setting that might have been utilized again with great relief. A few more pauses would also have been welcome.

It has been pointed out that Miss Millay's libretto was literary rather than dramatic. Literary it was—one of the finest librettos from that standpoint since "Pelléas." But it would be equally true, perhaps, to say that it was lyrical rather than dramatic, whereas Mr. Taylor's score was just the opposite. Even the interpolated "Beggar on Horseback" suffered from this treatment. For the rest, the music was conventional, and distinguished only by a genuine emotional content. Nevertheless, it was this very conventionality that made it acceptable to the Metropolitan and the public, and so paved the way for the "great" American composer. The latter is not yet safe, for only a few nights later one die-hard remarked, "I wouldn't even go to hear an American opera. English and grand opera don't go together." And that was from an American!

HENRIETTA STRAUS


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# Drama

## Pastiche

DORRANCE DAVIS, author of "A Lady in Love" (Lyceum Theater), has concocted a fairly amusing play, but he has at the same time unwillingly demonstrated how nearly impossible it is to capture a style which no longer has any vital relation to life.

The scene of the piece is London in 1680, and its aim is to recapture the spirit of the comedy of that time. The characters beloved of the Restoration dramatists—the pert miss, the suspicious old husband, and the roistering young blade—are put through their familiar paces and they are made to express themselves in witty phrases of wicked import. The plot consists wholly of a series of elaborate intrigues which reach their climax when the husband is made unwittingly to send the young lover into his own wife's bed, and thus far the imitation is fairly successful. Yet though both the characters and the situations are modeled closely upon their prototypes, the author cannot avoid betraying the modernity of his sensibilities by introducing motives and sentiments wholly alien to the pattern of the Restoration mind. There are times when he plays both wittingly and effectively with the humorous possibilities of anachronism, as when, for example, he makes one of his three ladies of the town exclaim "Gadzooks, girls, the house is pinched"; but it is not of such intentional lapses that I am thinking, for time and time again the illusion is shattered by an incident or an emotional coloring which, to anyone at all sensitive to such things, is as obviously false as the touch of Renoir would be in a copy of a Flemish primitive.

Thus when he makes the young wife in her lover's arms speak pathetically of the torture which for seven years she has endured through the necessity of living with the husband whom her father had forced upon her, he is appealing to a particular strain of sentimental pity which, if not exactly modern, was not discovered until the eighteenth century, and he is using it as an excuse for an adultery which no Restoration comic writer would have thought of as needing any excuse at all. The villainous husband, hoist on his own petard, is made to exclaim at last "Very well then, I will give you a divorce," and it is not mere pedantry to point out that since no divorce was obtainable in England except from an ecclesiastical court until well into the nineteenth century, no Restoration writer would have been able to understand what such a conclusion was supposed to mean. Not only would it have been contrary to any known law but equally contrary to the requirements of the emotional pattern of the audiences as well. "A Lady in Love," amusing though it is, suffers from the defect of all pastiche—whenever it begins to take on life it tends to miss the style which it is attempting. A play written as some other age would have written it is inevitably either a wax-work or full of mental and emotional anachronisms. A first-rate modern play about seventeenth-century London would have to be as far different from Congreve as Shakespeare is from Plutarch.

"Set a Thief" (Empire Theater) is one of those regulation mystery melodramas in which every male member of the cast is suspected of having done the crime in which, as it turns out, most did have a hand. Those who have studied criminology by means of the theater will suspect from the start that the man to whom all the evidence points is not really guilty, and they will suspect it not only because all the evidence does so point but even more because the nice young girl is in love with him. Mystery plays generally reveal a cynical attitude toward most things. The police are crooked and the most respectable looking gentlemen usually unconscionable rogues. But young love is sacred. Ministers of the gospel turn out to be yeggmen, detectives rob safes, and even bankers are cast down; but romance is never destroyed; and the man who is loved by a beautiful girl is never guilty.

JOSEPH WOOD KRUTCH


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# International Relations Section

## Two World Tribunals

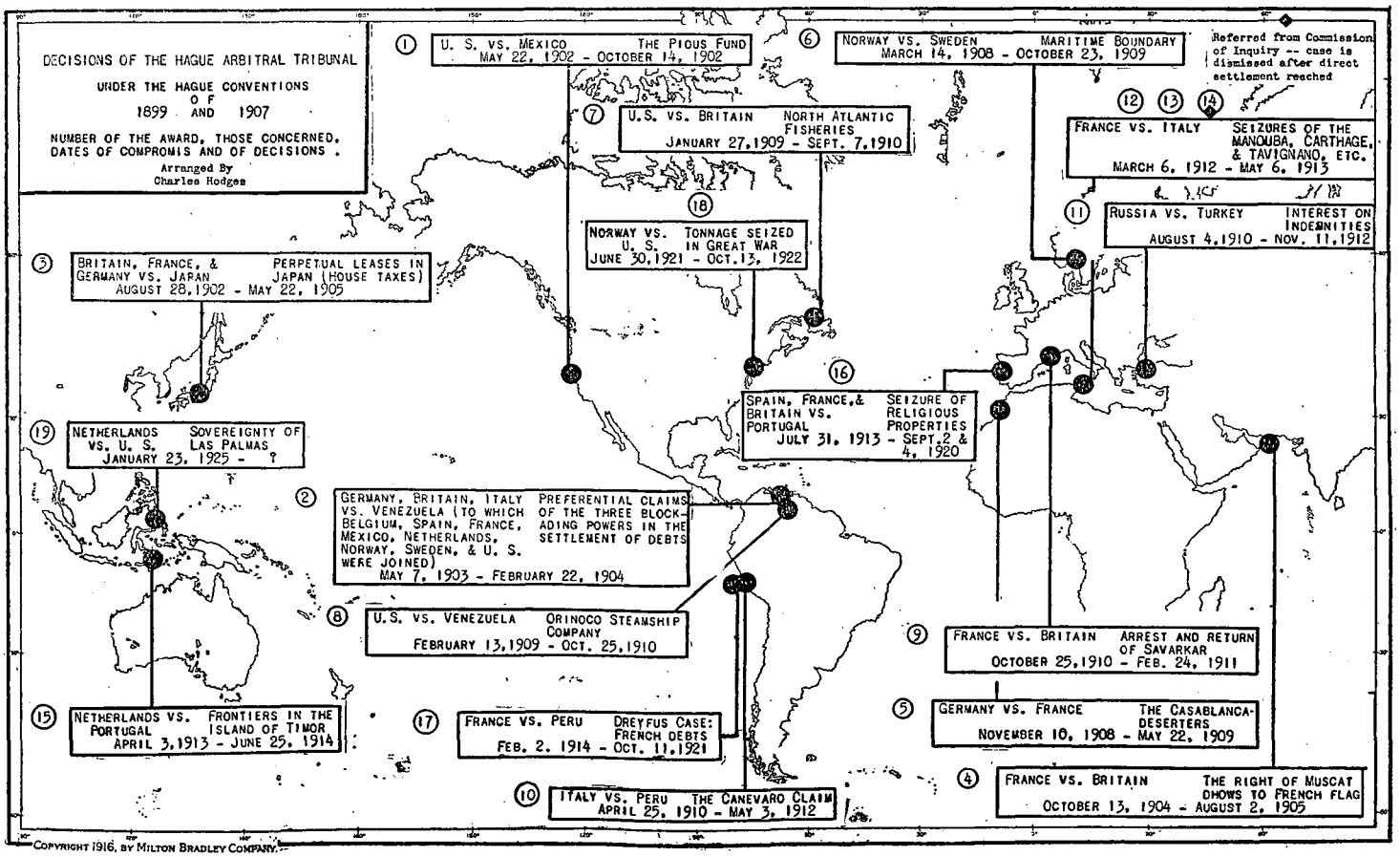
By CHARLES HODGES

WORLD justice today rests upon two tribunals—one the court of arbitral procedure agreed upon at the First Hague Conference of 1899; the other that of judicial settlement established as a result of the Paris Peace Conference of 1919.

For the purpose of setting the picture, it suffices to say that the quarter of a century standing between these two world tribunals is all-important to an understanding of their respective roles. The Hague Arbitral Tribunal represents the culmination of centuries of development in the arbitration of differences between nations. From the days of ancient Greece, where about 75 arbitrations are recorded with the awards of the Amphictyonic Council executed in a ratio of 17 to 3,[1] to the present there has been a steady growth of arbitral settlements by special agreement, general treaty, and tribunal. Indeed arbitration was the battle-cry of nineteenth-century internationalists, who pointed with satisfaction to the negotiation of between 281 and 314 treaties providing for arbitral settlements[2] and some 200 actual arbitrations of differences during this hundred years,[3] every award having been accepted. Moreover, from the launching of the Hague Tribunal in 1899 to the European crises immediately preceding the Great War the number of agreements providing for "compulsory" arbitration in pursuance of Article 19 of the Convention for the Pacific Settlement of International Disputes increased from 2 in 1903 to 80 in 1908.[4] In other words, arbitration had won an established place in the world at the time the tribunal was projected at the Hague while its activities were carried on against a background of treaty obligations binding the nations more and more to resort to its procedure.

By way of contrast, the World Court—the Permanent Court of International Justice—which came to be housed under the same roof in the Peace Palace at the Hague stands out as the realization of a judicial project inevitable but new to the life of nations. Instead of marking the end of a century of unprecedented world progress and international cooperation, it appeared at the close of the greatest war of our times. Instead of resting on a long history of cases in which the underlying concepts of its work had been tested, this world tribunal had no more precedent than had the Supreme Court of the United States in 1789 and assuredly not as many favoring circumstances. Instead of facing in a decade a leisurely accumulation of cases which, important as they were, had but little diplomatic dynamite in them, the newer tribunal in the five years of its busy life has had to meet in its advisory opinions and judgments the exigencies of post-war politics, constitutional trail-blazing of world importance, and the administration of a law of nations itself under the shadow of past events.

In a summary way, the post-war work of the two tribunals emphasizes this contrast. The Hague Arbitral Tribunal has 19 cases to its credit.[5] In this figure is included the arbitration of the sovereignty of Las Palmas Islands, lying between the Philippines and Dutch Borneo, to which the United States and the Netherlands are parties; while the work of the Commissions of Inquiry, instituted under the old Hague scheme, is excluded. The Permanent Court


DECISIONS OF THE HAGUE ARBITRAL TRIBUNAL
UNDER THE HAGUE CONVENTIONS OF 1899 AND 1907
NUMBER OF THE AWARD, THOSE CONCERNED, DATES OF COMPROMIS AND OF DECISIONS.
Arranged By Charles Hodges
1 U. S. VS. MEXICO THE PIOUS FUND MAY 22, 1902 - OCTOBER 14, 1902
2 GERMANY, BRITAIN, ITALY VS. VENEZUELA (TO WHICH BELGIUM, SPAIN, FRANCE, MEXICO, NETHERLANDS, NORWAY, SWEDEN, & U. S. WERE JOINED) PREFERENTIAL CLAIMS OF THE THREE BLOCKADING POWERS IN THE SETTLEMENT OF DEBTS MAY 7, 1903 - FEBRUARY 22, 1904
3 BRITAIN, FRANCE, & GERMANY VS. JAPAN PERPETUAL LEASES IN JAPAN (HOUSE TAXES) AUGUST 28, 1902 - MAY 22, 1905
4 FRANCE VS. BRITAIN THE RIGHT OF MUSCAT DHOWS TO FRENCH FLAG OCTOBER 13, 1904 - AUGUST 2, 1905
5 GERMANY VS. FRANCE THE CASABLANCA DESERTERS NOVEMBER 10, 1908 - MAY 22, 1909
6 NORWAY VS. SWEDEN MARITIME BOUNDARY MARCH 14, 1908 - OCTOBER 23, 1909
Referred from Commission of Inquiry -- case is dismissed after direct settlement reached
7 U.S. VS. BRITAIN NORTH ATLANTIC FISHERIES JANUARY 27, 1909 - SEPT. 7, 1910
8 U.S. VS. VENEZUELA ORINOCO STEAMSHIP COMPANY FEBRUARY 13, 1909 - OCT. 25, 1910
9 FRANCE VS. BRITAIN ARREST AND RETURN OF SAVARKAR OCTOBER 25, 1910 - FEB. 24, 1911
10 ITALY VS. PERU THE CANEVARO CLAIM APRIL 25, 1910 - MAY 3, 1912
11 RUSSIA VS. TURKEY INTEREST ON INDEMNITIES AUGUST 4, 1910 - NOV. 11, 1912
12 13 14 FRANCE VS. ITALY SEIZURES OF THE MANOUBA, CARTHAGE, & TAVIGNANO, ETC. MARCH 6, 1912 - MAY 6, 1913
15 NETHERLANDS VS. PORTUGAL FRONTIERS IN THE ISLAND OF TIMOR APRIL 3, 1913 - JUNE 25, 1914
16 SPAIN, FRANCE, & BRITAIN VS. PORTUGAL SEIZURE OF RELIGIOUS PROPERTIES JULY 31, 1913 - SEPT. 2 & 4, 1920
17 FRANCE VS. PERU DREYFUS CASE: FRENCH DEBTS FEB. 2, 1914 - OCT. 11, 1921
18 NORWAY VS. U. S. TONNAGE SEIZED IN GREAT WAR JUNE 30, 1921 - OCT. 13, 1922
19 NETHERLANDS VS. U. S. SOVEREIGNTY OF LAS PALMAS JANUARY 23, 1925 - ?
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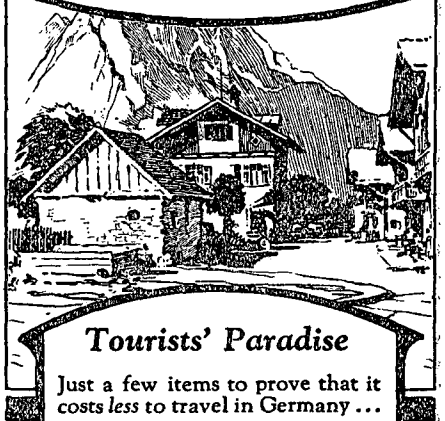

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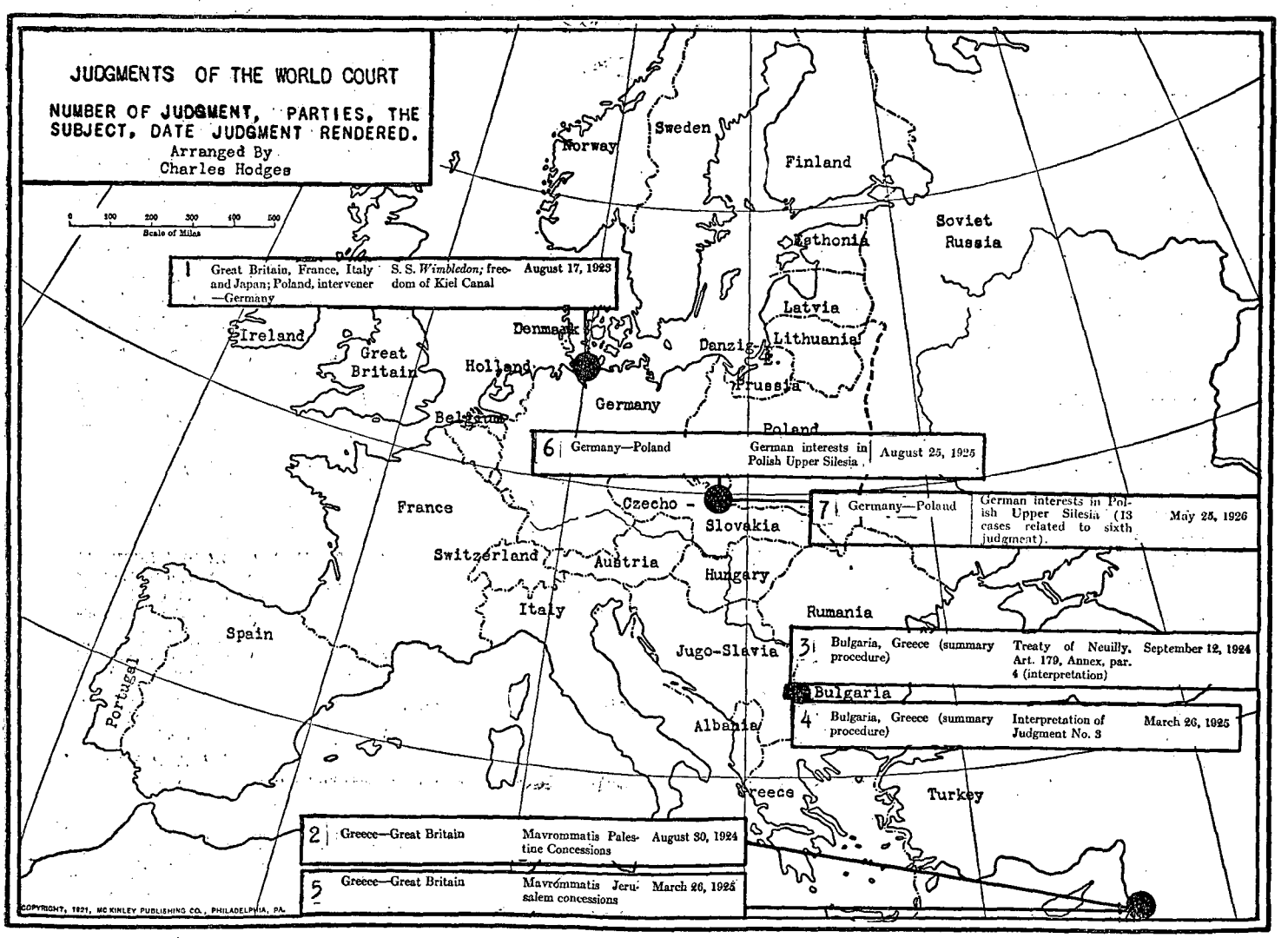
of International Justice has passed upon 20 cases, including 13 advisory opinions and 7 judgments.[6] All but two of the arbitral awards have dealt with pre-war controversies. Each of them has been concerned of course with disputes of a localized character involving directly but few Powers as parties to the proceedings—more than a single plaintiff has figured in only three instances.

Looking at the geographic distribution of these cases, a notable fact is the absence of any recourse to the World Court from the Americas. Whereas the old Hague Tribunal acted as an arbitral buffer between the Old and the New World, no such prospect presents itself in the case of the Permanent Court of International Justice as long as the United States is outside its judicature. Indeed two of the post-war cases before the Hague Arbitral Tribunal have come through the willingness of the United States to continue its traditional friendliness toward arbitration; this brings the number of cases to which the American Government has been a party to a quarter of the total arbitral settlements. There is every reason to believe that Latin-American recourse to the World Court, not to mention the interposition of the League of Nations, runs counter to the Pan-American purposes of Washington.[7]

So far as the status of the parties is concerned, another sharp contrast presents itself. The older Arbitral Tribunal, by the very nature of its processes, appealed to the Great Powers as a convenient means of settling justiciable questions which in most cases involved nothing more than property interests of a substantial character. The bulk of the awards have been of two categories: the disputes between the Great Powers themselves number 9 while there have been 8 between Great Powers and lesser Powers. Only two cases are on record between the smaller nations during the existence of the tribunal. The reverse may be said to obtain in the World Court. But a single judgment and one advisory opinion have been rendered involving Great Powers alone. One-third of the opinions and over half the judgments have concerned Great and lesser Powers; while in both types of cases, the small nations have found the Permanent Court of International Justice filling a long-felt want since it is permanently constituted under conditions that obviate the heavy direct charges incurred in a resort to the Hague Tribunal. Emphasis, too, may be laid on the fact that one-third of the advisory opinions virtually involve the world as in this number of cases the International Labor Organization with its membership has been a party.

The major part of the work of the Hague Tribunal has concerned itself either with the adjudication of claims regarding property or jurisdiction between states. Four boundary disputes complete the picture. In the cases handled by the World Court property interests were reviewed only in the 2 judgments concerning the Mavromatis Jerusalem Concessions to which Britain and Greece were par-

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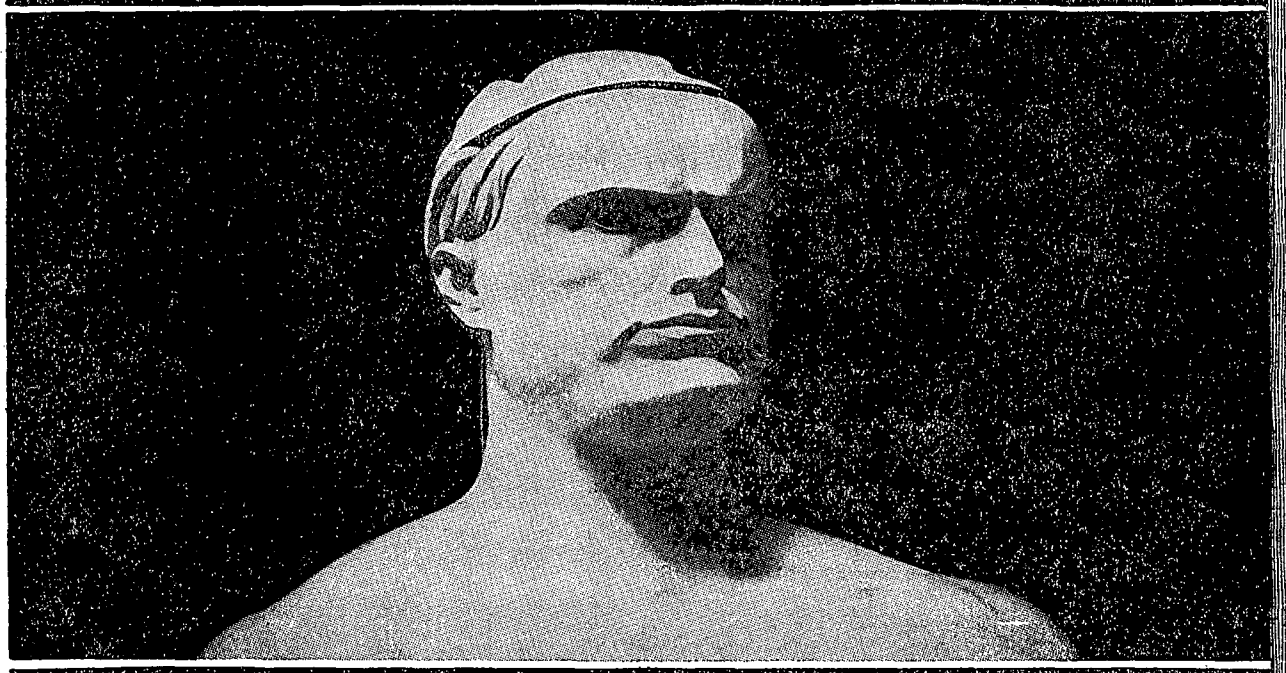

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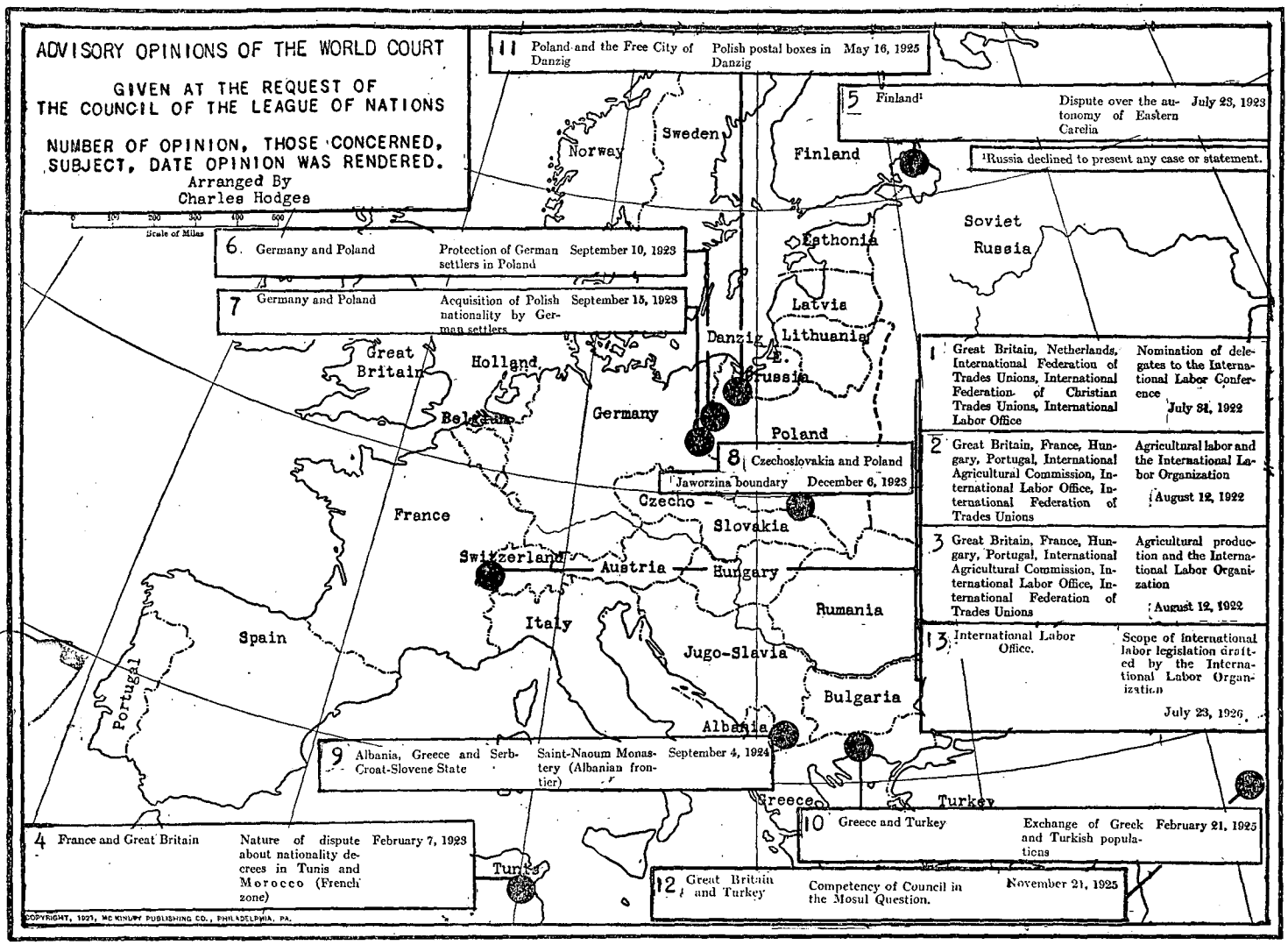
ADVISORY OPINIONS OF THE WORLD COURT
GIVEN AT THE REQUEST OF THE COUNCIL OF THE LEAGUE OF NATIONS
NUMBER OF OPINION, THOSE CONCERNED, SUBJECT, DATE OPINION WAS RENDERED.
Arranged By Charles Hodges
Scale of Miles
11 Poland and the Free City of Danzig — Polish postal boxes in Danzig — May 16, 1925
5 Finland[1] — Dispute over the autonomy of Eastern Carelia — July 23, 1923
[1]Russia declined to present any case or statement.
6 Germany and Poland — Protection of German settlers in Poland — September 10, 1923
7 Germany and Poland — Acquisition of Polish nationality by German settlers — September 15, 1923
8 Czechoslovakia and Poland — Jaworzina boundary — December 6, 1923
1 Great Britain, Netherlands, International Federation of Trades Unions, International Federation of Christian Trades Unions, International Labor Office — Nomination of delegates to the International Labor Conference — July 31, 1922
2 Great Britain, France, Hungary, Portugal, International Agricultural Commission, International Labor Office, International Federation of Trades Unions — Agricultural labor and the International Labor Organization — August 12, 1922
3 Great Britain, France, Hungary, Portugal, International Agricultural Commission, International Labor Office, International Federation of Trades Unions — Agricultural production and the International Labor Organization — August 12, 1922
13 International Labor Office. — Scope of international labor legislation drafted by the International Labor Organization — July 23, 1926
9 Albania, Greece and Serb-Croat-Slovene State — Saint-Naoum Monastery (Albanian frontier) — September 4, 1924
4 France and Great Britain — Nature of dispute about nationality decrees in Tunis and Morocco (French zone) — February 7, 1923
10 Greece and Turkey — Exchange of Greek and Turkish populations — February 21, 1925
12 Great Britain and Turkey — Competency of Council in the Mosul Question. — November 21, 1925
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ties. Four advisory opinions, however, have dealt with boundary questions; while 5 others, to which may be added 5 judgments, have dealt with conflicts of jurisdiction. Once again, the World Court is unique for the group of advisory opinions in which a collective interest prevails—4 such cases have had a general rather than an individual bearing upon the jurisdiction of states and may be said to affect all nations participating in the work of the League.

The accompanying charts graphically illustrate the contrasts in function and status of the two international tribunals described in these paragraphs.

Both have their place in the world of states. They are different instrumentalities, the differentiation of function and machinery being a part of the general growth of a society of states in the direction of the higher nationalism wherein cooperation is achieved through a more and more complete and unified structure.

[1] Cf. Phillipson, "International Law and Custom of Ancient Greece and Rome."
[2] Estimates differ, due both to methods of classification and completeness of records used by authorities; i.e., La Fontaine, 281 (1821-1900); Moch, 314 (1822-1909).
[3] Moch, "Histoire sommaire de l'arbitrage permanent," 212; Darby, "International Arbitration," 222.
[4] "Annuaire de la Vie Internationale," 1908.
[5] The Hague Court "Reports" are made public through the International Bureau of the Permanent Court of Arbitration.
[6] Publications of the Permanent Court of International Justice—Series A, "Collection of Judgments"; Series B, "Collection of Advisory Opinions."
[7] The Tacna-Arica dispute and the controversy between Panama and Costa Rica indicate reasons for this view. (1920 and 1921.)

## Contributors to This Issue

SOL AUERBACH is a student at the University of Pennsylvania.

HENRY S. VILLARD is a young journalist of the third generation of his name.

ROGER N. BALDWIN, director of the American Civil Liberties Union, is now in Europe on various missions.

STUART CHASE is soon to appear as co-author of a book, "Getting Your Money's Worth."

HERBERT S. GORMAN is a poet, novelist, critic, and biographer. His latest book is a life of Longfellow.

LEWIS S. GANNETT, associate editor of *The Nation*, has written a series of articles on China which are being reprinted in a pamphlet, "Young China."

ALLAN NEVINS is on the editorial staff of the New York *World*.

NICHOLAS S. KALTCHAS has pursued special studies in Balkan history at an American university.

CHARLES HODGES is the author of "The Background of International Relations."

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